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U.S. Laws, statutes, etc.

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LAWS AND RESOLUTIONS

GOVERNING

THE PUBLIC PRINTING AND BINDING,

COMPILED FROM

THE REVISED STATUTES AND SUBSEQUENT ACTS,

TOGETHER WITH

OPINIONS OF LAW OFFICERS.

PREPARED BY DIRECTION OF
THE PUBLIC PRINTER.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1883.

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THE CONGRESSIONAL PRINTER.

The Senate shall elect a person, who must be a practical printer, and versed in the art of book-binding, to take charge of and manage the Government Printing Office. He shall be deemed an officer of the Senate, and shall be called the "Congressional Printer."—R. S. 3758.

That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall hereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President by and with the advice and consent of the Senate.—Sup. p. 44, June 20, 1874.

That so much of all laws or parts of laws as provide for the election or appointment of Public Printer be, and the same are hereby, repealed, to take effect from and after the passage of this act; and the President of the United States shall appoint, by and with the advice and consent of the Senate, a suitable person, who must be a practical printer, and versed in the art of book-binding, to take charge of and manage the Government Printing Office from and after the date aforesaid; he shall be called the "Public Printer," and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Public Printer; he shall give bond in the sum of \$100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior.—Sup. p. 234, July 31, 1876.

That the term "Public Printer," as employed in that part of the act making appropriations for sundry civil expenses of the Government for the current fiscal year which repeals all laws providing for the election or appointment of Public Printer shall be construed as embracing that officer, whether known as Congressional Printer or Public Printer.—Sup. p. 243, Aug. 15, 1876.

COMPILATION OF LAWS

GOVERNING

THE PUBLIC PRINTING AND BINDING.

THE PUBLIC PRINTER.

The President of the United States shall appoint, by and with the advice and consent of the Senate, a suitable person, who must be a practical printer, and versed in the art of book-binding, to take charge of and manage the Government Printing-Office.—*R. S.* 3758; *Sup. p.* 44, *June* 20, 1874; *Ib. p.* 234, *July* 31, 1876; *Ib. p.* 243, *Aug.* 15, 1876.

He shall be called the "Public Printer," and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Public Printer.—*R. S.* 3758; *Sup. p.* 44, *June* 20, 1874; *Ib. p.* 234, *July* 31, 1876; *Ib. p.* 243, *Aug.* 15, 1876.

He shall give bond in the sum of \$100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior.—*R. S.* 3759; *Sup. p.* 234, *July* 31, 1876.

The Public Printer shall receive a salary at the rate of \$4,500 a year.—*R. S.* 3759; 22 *Stat. L. p.* 536, *March* 3, 1883.

It shall be the duty of the Congressional Printer to purchase all materials and machinery which may be necessary for the Government Printing Office; to take charge of all matter which is to be printed, engraved, lithographed, or bound; to keep an account thereof in the order in which it is received, and to cause the work to be promptly executed; to superintend all printing and binding done at the Government Printing Office, and to see that the sheets or volumes are promptly delivered to the officer who is

authorized to receive them. The receipt of such officer shall be a sufficient voucher of their delivery.—*R. S.* 3760.

Neither the Congressional Printer, nor the Foreman of Printing, nor the Foreman of Binding, shall, during his continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or in any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving; and for every violation of this section, the party offending shall, on conviction before any court of competent jurisdiction, be imprisoned in the penitentiary for a term of not less than one nor more than five years, and shall be fined in the sum of \$500.—*R. S.* 3765.

If the Congressional Printer shall, by himself or through others, corruptly collude or have any secret understanding with any person to defraud the United States, or whereby the United States shall be made to sustain a loss contrary to the intent of the provisions of this title, he shall, on conviction thereof before any court of competent jurisdiction, forfeit his office, and be imprisoned in the penitentiary for a term of not less than three nor more than seven years, and fined in the sum of \$3,000.—*R. S.* 3784.

The forms and style in which the printing or binding ordered by any of the Departments shall be executed, the materials and size of type to be used, shall be determined by the Congressional Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed.—*R. S.* 3790.

Hereafter no binding shall be done for any Department of the Government except in plain sheep or cloth, and no books shall be printed and bound except when the same shall be ordered by Congress or are authorized by law, except record and account books, which may be bound in Russia leather, sheep fleshers, and skivers, when authorized by the head of a Department, and this restriction shall not apply to the Congressional Library, nor to the library of the Surgeon-General's Office, nor to the library of the Patent Office, nor to the library of the Department of State.—*Sup. p.* 381, *June* 20, 1878; *Ib. p.* 397, *Jan.* 27, 1879; *Ib.* 420, *Feb.* 26, 1879.

Whenever Congress makes an appropriation for any Department or public office, to be expended "for printing and binding to be executed under the direction of the Congressional Printer," the Congressional Printer shall cause an account to be opened with such Department or public office, on which he shall charge for all printing and binding ordered by the head thereof at prices established in pursuance of law; and it shall not be lawful for him to cause to be executed any printing or binding the value of which exceeds the amount appropriated for such purpose.—*R. S.* 3802; *Sup. p.* 275, *Feb.* 27, 1877.

And when any Department shall require printing to be done, the Public Printer shall furnish to such Department an estimate of the cost by the principal items for said printing so called for; and he shall place to the debit of such Department the cost of the same, on certification of the head of the Department, Supreme Court, Court of Claims, or Library of Congress, that said printing is necessary.—*Sup. p.* 381, *June* 20, 1878.

ESTIMATES, FINANCES, ETC.

All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the Book of Estimates prepared under his direction.—*R. S.* 3669.

The Congressional Printer shall prepare and submit to the Register of the Treasury, annually, in time to have the same embraced in the estimates from that Department, detailed estimates of the amount which will be required for salaries, wages, engraving, lithographing, binding, materials, and any other necessary expense of said printing office for the ensuing fiscal year.—*R. S.* 3814.

The Congressional Printer shall also submit to Congress, at the beginning of each session, detailed estimates of the sums required for the support of the Government Printing Office.—*R. S.* 3822.

That it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on

or before the first day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction; and the Secretary of the Treasury shall submit, as a part of the appendix to the Book of Estimates, such extracts from the annual reports of the several heads of Departments and bureaus as relate to estimates for appropriations, and the necessities therefor.—*Sup. p.* 156, *March 3, 1875.*

Whenever the head of a Department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added.—*R. S.* 3664.

There shall be advanced to the Congressional Printer, from time to time, as the public service may require it, and under such rules as the Secretary of the Treasury may prescribe, a sum of money not exceeding, at any time, two-thirds of the penalty of his bond, to enable him to pay for work and material.—*R. S.* 3816.

The Congressional Printer shall settle the account of his receipts and disbursements in the manner required of other disbursing officers.—*R. S.* 3817.

The moneys received from sales of extra copies of documents, and from sales of paper shavings and imperfections, shall be deposited by the Congressional Printer in the Treasury of the United States, to the credit of the appropriations for public printing, binding, and paper, respectively, as designated by him, and shall be subject to his requisition in the manner prescribed by law.—*R. S.* 3818.

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any con-

tract for the future payment of money in excess of such appropriations.—*R. S.* 3679.

All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.—*R. S.* 3690.

All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury, whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. * * *—*R. S.* 3691.

No executive officer, other than the heads of Departments, shall apply more than \$30, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.—*R. S.* 1779.

REPORTS.

The Congressional Printer shall render to the Secretary of the Treasury, quarterly, a full account of all purchases made by him, and of all printing and binding done in the Government Printing Office for each House of Congress and for each of the Executive and Judicial Departments.—*R. S.* 3815.

The Congressional Printer shall keep a true account of all

paper received from contractors, and of all paper used in the Public Printing Office, and shall, at the end of each fiscal year, report to the Secretary of the Interior the amount of each class consumed in said office, and the works or publications in which the same is used.—*R. S.* 3820.

The Congressional Printer shall, on the first day of each session, or as soon thereafter as may be practicable, report to Congress the exact condition, and the amount and cost of the public printing, binding, lithographing, and engraving; the amount and cost of all paper purchased for the same; a detailed statement of proposals made and contracts entered into for the purchase of paper and other materials, and for lithographing and engraving; of all payments made during the preceding year under his direction; of the amount of work ordered and done, with a general classification thereof, for each Department, and a detailed statement of each account with the Departments or public officers; a detailed statement of the number of hands employed in the establishment, and the time each has been employed; and such further information, touching all matters connected with the Printing Office, as may be in his possession.—*R. S.* 3821.

That the Congressional Printer be, and he is hereby, directed to keep a separate and exact account in detail of all expenditures for printing, mailing, and binding the Congressional Records, including specific statements of the cost of all machinery and material which may have been or shall be used for the publication of said Record, commencing with its first publication at the Government Printing Office; and that he shall publish the amounts thus yearly expended, in his next succeeding annual report, and each succeeding report, separately from the other disbursements of his office.—*Sup. p.* 117, *June* 20, 1874.

That the Public Printer shall keep an account of the actual cost of all printing and binding done for the Patent Office, and shall make a statement of such cost in his annual report.—22 *Stat. L. p.* 334, *Aug.* 7, 1882.

Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any act of Congress or regulation of the Department of the Treasury, other

than his accounts, within the time prescribed by such act or regulation, shall be fined not more than \$1,000 and not less than \$100.—*R. S.* 1780.

POSTAGE.

The term “public document” is hereby defined to be all publications printed by order of Congress or either House thereof.—*Sup. p.* 100, *June* 23, 1874.

That the postage on each copy of the daily Congressional Record mailed from the city of Washington as transient matter shall be one cent.—*Sup. p.* 100, *June* 23, 1874.

That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package, to entitle it to pass free, shall bear over the words “Official Business” an indorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.—*Sup. p.* 288, *March* 3, 1877.

The provisions of the fifth and sixth sections of the act entitled “An act establishing post-routes, and for other purposes,” approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended to all officers of the United States Government, and made applicable to all official mail matter transmitted between any of the officers of the United States, or between any such officer and either of the Executive Departments or officers of the Government, the envelopes of such matter in all cases to bear appropriate indorsements containing the proper designation of the office from which the same is transmitted, with a statement of the penalty for their misuse.—20 *Stat. L. p.* 362, *March* 3, 1879.

MATERIAL.

It shall be the duty of the Congressional Printer to purchase all materials and machinery which may be necessary for the Government Printing Office. * * *--*R. S.* 3760.

And whenever it becomes necessary for the Public Printer to make purchases of materials not already due under contracts, he shall prepare a schedule of the articles required, showing the description, quantity, and quality of each article, and shall invite proposals for furnishing the same either by advertisement or circular, as the Joint Committee on Public Printing may direct, and shall make contracts for the same with the lowest responsible bidder, making a return of the same to the Joint Committee on Public Printing, showing the number of bidders, the amounts of each bid, and the awards of the contracts.—*Sup. p.* 233, *July* 31, 1876.

That the Joint Committee on Public Printing be, and hereby is, authorized to give permission to the Public Printer to purchase material in open market whenever, in their opinion, it would not promote the public interest to advertise for proposals and to make contracts for the same: *Provided, however,* That the purchases authorized by this act shall not in any term of six months exceed the sum of \$50 for any particular article required.—*Sup. p.* 305, *Feb.* 1, 1878.

That it is lawful for the Public Printer to purchase in the open market, and without previous advertisement, such supplies as the Government Printing Office may require, of ink, rollers, composition for making rollers, tapes, press-blankets, and lubricating oils; taking care that only the lowest market prices be paid for the quality of the articles purchased; and when practicable, issue circulars for bids from persons capable of supplying them.—*22 Stat. L. p.* 397, *Dec.* 21, 1882.

The Congressional Printer shall charge himself with, and be accountable for, all material received for the public use. The Foremen of Printing and Binding shall make out estimates of the amount and kind of material required for their respective depart-

ments, and file written requisitions therefor when it is needed. The Congressional Printer shall furnish the same to them on these requisitions, as it may be required for the public service, and they shall receipt to him and be held accountable for all material so received.—*R. S.* 3783.

It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person to be appointed by the head of the Department or chief of the branch of the service for which the purchase is made. The person so appointed shall, before entering upon the duty of inspector, weigher, and measurer, and to the satisfaction of the appointing officer, give bond, with not less than two sureties, in the penal sum of \$5,000, and with condition that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. The inspector, weigher, and measurer so appointed shall be entitled to receive from the venders of fuel weighed and measured by him twenty cents for each ton of coal weighed, and nine cents for each cord of wood measured by him. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel.—*R. S.* 3711.

The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under the preceding section.—*R. S.* 3712.

It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer.—*R. S.* 3713.

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment.—*R. S. 3732.*

No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose.—*R. S. 3733.*

All contracts to be made, by virtue of any law, and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited in the office of the First Comptroller of the Treasury of the United States, * * * within ninety days after their respective dates.—*R. S. 3743.*

All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.—*R. S. 3709.*

Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.—*R. S. 3710.*

PAPER.

The Congressional Printer shall, at the beginning of each session of Congress, submit to the Joint Committee on Public Printing estimates of the quantity of paper of all descriptions which will be required for the public printing during the ensuing year.—*R. S. 3766.*

The Joint Committee on Public Printing shall fix upon standards of paper for the different descriptions of public printing, and the Congressional Printer shall, under their direction, advertise in two newspapers, published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington, and Cincinnati for sealed proposals to furnish the Government with paper as specified in the schedule to be furnished to applicants by the Congressional Printer, setting forth in detail the quality and quantities required for the public printing.—*R. S.* 3767; *Sup. p.* 199, *Jan.* 25, 1876.

The advertisement shall specify the minimum portion of each quality of paper required for either three months, six months, or one year, as the Joint Committee on Public Printing may determine; but when the minimum portion so specified exceeds, in any case, one thousand reams, it shall state that proposals will be received for one thousand reams or more.—*R. S.* 3768.

The Congressional Printer shall furnish samples of the standard papers to applicants therefor.—*R. S.* 3769.

The sealed proposals to furnish paper shall be opened in presence of the Joint Committee on Public Printing, and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government; but they shall not consider any proposal which is not accompanied by satisfactory evidence that the person making it is a manufacturer of or dealer in the description of paper which he proposes to furnish.—*R. S.* 3770.

The award of each contract for furnishing paper shall designate a reasonable time for filling it.—*R. S.* 3771.

No contract for furnishing paper shall be valid until it has been approved by the Joint Committee if made under their direction, or by the Secretary of the Interior if made under his direction, according to the provisions of section 3775.—*R. S.* 3772; *Sup. p.* 275, *Feb.* 27, 1877.

The Congressional Printer shall compare every lot of paper delivered by any contractor with the standard of quality, and shall not accept any paper which does not conform to it or is not of the stipulated weight.—*R. S.* 3773.

In case of difference of opinion between the Congressional Printer and any contractor for paper respecting its quality, the matter of difference shall be determined by the Joint Committee on Public Printing.—*R. S.* 3774.

If any contractor shall fail to comply with his contract, either as to time of delivery or as to quantity, quality, or weight of paper, the Congressional Printer shall report such default to the Joint Committee on Public Printing when Congress is in session, or to the Secretary of the Interior when Congress is not in session; and he shall, under the direction of the committee or of the Secretary of the Interior, as the case may be, enter into a new contract with the lowest and best bidder, for the interest of the Government, among those whose proposals were rejected at the last opening of bids; or he shall advertise for new proposals, under the regulations hereinbefore stated; and, during the interval which may thus occur, he shall, under the direction of the Joint Committee on Public Printing, or of the Secretary of the Interior, as above provided, purchase in open market, at the lowest market price, all paper necessary for the public printing.—*R. S.* 3775.

In case of the default of any contractor to furnish paper, he and his securities shall be responsible for any increase of cost to the Government in procuring a supply of such paper which may be consequent upon such default.—*R. S.* 3776.

The Congressional Printer shall report every such default, with a full statement of all the facts in the case, to the Solicitor of the Treasury, who shall prosecute the defaulting contractor and his securities upon their bond in the circuit court of the United States in the district in which such defaulting contractor resides.—*R. S.* 3777.

The Joint Committee on Public Printing, or, during the recess of Congress, the Secretary of the Interior, may authorize the Congressional Printer to make purchases of paper in open market, whenever they may deem the quantity required so small, or the want so immediate, as not to justify advertisements for proposals.—*R. S.* 3778.

The Congressional Printer shall keep a true account of all paper received from contractors, and of all paper used in the

Public Printing Office, and shall, at the end of each fiscal year, report to the Secretary of the Interior the amount of each class consumed in said office, and the works or publications in which the same is used.—*R. S.* 3820.

ENGRAVING, LITHOGRAPHING, ETC.

Whenever any charts, maps, diagrams, views, or other engravings are required to illustrate any document ordered to be printed by either House of Congress, such engravings shall be procured by the Congressional Printer, under the direction and supervision of the Committee on Printing of the House ordering the same.—*R. S.* 3779.

* * * That no expensive maps or illustrations shall be printed without the special order of Congress.—*Sup. p.* 93, *June* 23, 1874.

When the probable cost of the maps or plates accompanying one work or document exceeds \$1,200, the lithographing or engraving thereof shall be awarded to the lowest and best bidder, after advertisement, by the Congressional Printer, under the direction of the Joint Committee on Public Printing. But the committee may authorize him to make immediate contracts for lithographing or engraving whenever, in their opinion, the exigencies of the public service do not justify advertisements for proposals.—22 *Stat. L. p.* 414, *Feb.* 12, 1883.

That the Public Printer is hereby authorized under the direction of the Joint Committee on Public Printing or of the Senate Committee on Printing in case there be no committee on the part of the House, to accept private proposals for printing the required number of copies of maps and other illustrations for the Census reports from plates or stones which were engraved under special appropriations for printing and engraving for the Tenth Census prior to the act of August 7, 1882, whenever it shall clearly ap-

pear that expense can be saved thereby.—22 *Stat. L. p.* 564, *March 3, 1883.*

The Congressional Printer may contract for the lithographing of the maps of the several States and Territories accompanying the annual report of the Commissioner of the General Land Office, except the connected map of the public lands east and west of the Mississippi River accompanying the annual report of the Commissioner for the year 1862 with the additions thereto which may be made from time to time—*R. S.* 3781.

The Congressional Printer shall preserve in his office samples of the paper on which any engravings or lithographs are to be furnished by contract, and he shall not receive any engraving or lithograph which is not printed on paper equal to the sample, or which is not executed in the proper manner or in the quantity contracted for, or within the time specified in the contract, unless, for special reasons, he may have extended the time. The contractor shall not be paid except upon the certificate of the Congressional Printer that the requisites have been complied with.—*R. S.* 3782.

The lithographing and engraving required by the two preceding sections [*Secs.* 490, 491 *R. S.* *See page 82*] shall be awarded to the lowest and best bidders for the interests of the Government, due regard being paid to the execution of the work, after due advertising by the Congressional Printer, under the direction of the Joint Committee on Printing; but the Joint Committee on Printing may empower the Congressional Printer to make immediate contracts for engraving whenever, in their opinion, the exigencies of the public service will not justify waiting for advertisement and award; or if, in the judgment of the Joint Committee on Printing, the work can be performed under the direction of the Commissioner of Patents more advantageously than in the manner above prescribed, it shall be so done, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe.—*R. S.* 492.

EMPLOYÉS.

There shall be a Foreman of Printing and a Foreman of Binding, who must be practically and thoroughly acquainted with their respective trades. They shall be appointed by the Congressional Printer, and shall each receive a salary at the rate of \$2,100 a year.—*R. S.* 3761.

The Foremen of Printing and Binding shall make out and deliver to the Congressional Printer monthly statements of the work done in their respective offices, together with monthly pay-rolls, which shall contain the names of the persons employed, the rate of compensation of and amount due to each, and the service for which it is due.—*R. S.* 3819.

The Public Printer may employ a chief clerk, at \$2,400; four clerks of class four; one clerk of class one.—*R. S.* 3762; 18 *Stat. L. p.* 223, *June* 23, 1874; 19 *Ib. p.* 146, *Aug.* 15, 1876; 20 *Ib. p.* 182, *June* 19, 1878; 22 *Ib. p.* 224, *Aug.* 5, 1882; *Ib. p.* 536, *March* 3, 1883.

And the Public Printer is hereby authorized to employ three additional clerks of the third class to make the estimates.—*Sup. b.* 382, *June* 20, 1878.

For the public printing, for the public binding, and for paper for the public printing, * * * including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work. * * *—22 *Stat. L. p.* 334, *Aug.* 7, 1882; *Ib. p.* 629, *March* 3, 1883.

The Congressional Printer may employ, at such rates of wages as he may deem for the interest of the Government and just to the persons employed, such proof-readers, *compositors*, *pressmen*, *binders*, laborers, and other hands as may be necessary for the execution of the orders for public printing and binding authorized by law; but he shall not, at any time, employ in the office more hands than the absolute necessities of the public work may require.—*R. S.* 3763.

That from and after the close of the present session of Congress the Public Printer shall pay no greater price for composition than 50 cents per thousand ems and 40 cents per hour for time work to printers and bookbinders.—*Sup. p. 263, Feb. 16, 1877.*

That from and after the passage of this act it shall be the duty of the Public Printer to employ no workmen not thoroughly skilled in their respective branches of industry, as shown by a trial of their skill under his direction.—*Sup. p. 233, July 31, 1876.*

Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States.—*R. S. 3738.*

The Congressional Printer shall cause work to be done on the public printing in the Government Printing Office at night as well as through the day, during the session of Congress, when the exigencies of the public service require it.—*R. S. 3764.*

That for extra work, ordered in emergencies, and performed on Sundays or legal holidays, or between the hours of midnight and eight ante meridian, excepting that done by regular organized night forces, the Public Printer is hereby authorized to pay such extra prices as the customs of the trade and the justice of the case may require.—*22 Stat. L. p. 402, Jan. 13, 1883.*

That the employés of the Government Printing Office shall be allowed the following legal holidays, with pay, to wit: the 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving: *Provided*, That the said employés shall be paid for these holidays only when the employés of the other Government Departments shall be so paid: *And provided further*, That nothing herein contained shall authorize any additional payment to such employés as receive annual salaries.—*Sup. p. 574, April 16, 1880.*

Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business

capacity necessary for the proper discharge of the duties of such offices.—*R. S.* 1754.

Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath: "I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."—*R. S.* 1756.

Whenever any person who is not rendered ineligible to office by the provisions of the fourteenth amendment to the Constitution is elected or appointed to any office of honor or trust under the Government of the United States, and is not able, on account of his participation in the late rebellion, to take the oath prescribed in the preceding section, he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will

well and faithfully discharge the duties of the office on which I am about to enter. So help me God."—*R. S. 1757.*

The oath of office required by either of the two preceding sections may be taken before any officer who is authorized either by the laws of the United States, or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered.—*R. S. 1758.*

The oath of office taken by any person pursuant to the requirements of section 1756, or of section 1757, shall be delivered in by him to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain.—*R. S. 1759.*

No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.—*R. S. 1764.*

No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.—*R. S. 1765.*

That all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employé of the Government, any money or property or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding \$500.—*Sup. p. 245, Aug. 15, 1876.*

No officer, clerk, or employé in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employés in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.—*R. S.* 1784.

PRINTING AND BINDING.

GENERAL PROVISIONS.

No printing or binding shall be done, or blank-books furnished, for either House of Congress, except on the written order of the Secretary of the Senate or of the Clerk of the House of Representatives, respectively; or for any of the Executive Departments, except on a written requisition by the head of such Department, or one of his assistants.—*R. S.* 3789.

No printing or binding which is not provided for by law shall be executed at the Government Printing Office.—*R. S.* 3785.

That the Secretary of the Senate be, and he is hereby, authorized to cause to be bound at the Government Printing Office one copy of any public document desired by any Senator for his personal use.—*Sen. Four. 2d sess. 45th Cong. p. 96, Jan. 17, 1878.*

That no binding shall be done at the Government Printing Office for Senators, Representatives, or Delegates in Congress, except that there may be bound for each Senator, Representative, or Delegate one copy of each book or document issued by order of Congress, but this provision shall not allow any binding as

aforesaid to be done of books or documents issued by authority of and during any former Congress.—22 *Stat. L. p.* 334, *Aug.* 7, 1882.

That there may be bound for each Senator, Representative, or Delegate in Congress one copy of each book or document issued or ordered by authority of Congress during the term of service of such Senator, Representative, or Delegate; but this provision shall not be construed as allowing any binding as aforesaid to be done of any books or documents issued during any former Congress of which said Senator, Representative, or Delegate was not a member.—22 *Stat. L. p.* 629, *March* 3, 1883.

All printing, binding, and blank-books, for the Senate or House of Representatives, and the Executive and Judicial Departments, shall be done at the Government Printing Office, except in cases otherwise provided by law.—*R. S.* 3786.

The forms and style in which the printing or binding ordered by any of the Departments shall be executed, the materials and size of type to be used, shall be determined by the Congressional Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed.—*R. S.* 3790.

Hereafter no binding shall be done for any Department of the Government except in plain sheep or cloth, and no books shall be printed and bound except when the same shall be ordered by Congress or are authorized by law, except record and account books, which may be bound in Russia leather, sheep fleshers, and skivers, when authorized by the head of a Department, and this restriction shall not apply to the Congressional Library, nor to the Library of the Surgeon-General's Office, nor to the library of the Patent Office, nor to the Library of the Department of State.—*Sup. p.* 381, *June* 20, 1878; *Ib. p.* 397, *Jan.* 27, 1879; *Ib.* 420, *Feb.* 26, 1879.

The first edition of the Congressional Directory for each session shall be printed and ready for distribution within one week after the commencement thereof.—*R. S.* 3801.

The annual reports of the Executive Departments and the accompanying documents shall be delivered by the Printer to the

proper officers of each House of Congress at the first meeting thereof; and the President's message, the reports of the Executive Departments, and the abridgment of accompanying documents, shall be so delivered on or before the third Wednesday in December next after the meeting of Congress, or as soon thereafter as may be practicable.—*R. S.* 3810.

When the annual report of the Comptroller of the Currency upon the national banks and banks under State and Territorial laws is completed, or while it is in process of completion, it thereby the business may be sooner dispatched, the work or printing shall be commenced, under the superintendence of the Secretary, and the whole shall be printed and ready for delivery on or before the first day of December next after the close of the year to which the report relates.—*R. S.* 3811; *Sup. p.* 140, *Feb.* 18, 1875.

The Congressional Printer shall deliver to the Secretary of the Interior, at the room in the Interior Department set apart for that purpose, all books and documents directed by law to be printed for the use of the Government, except such as are directed to be printed for the particular use of Congress, or of either House thereof, or of the President, or of any of the Departments.—*R. S.* 3813.

That hereafter the Congressional Printer shall print, upon the order of the heads of the Executive Departments, respectively, only such limited number of the annual reports of such Departments and necessary accompanying reports of subordinates as may be deemed necessary for the use of Congress.—*Sup. p.* 93, *June* 23, 1874.

The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton, in Ohio, and to the branches at Augusta, in Maine, Milwaukee, in Wisconsin, Hampton, in Virginia, and the Soldiers' Home at Knightstown Springs, near Knightstown, in Indiana, each, 1 copy of each of the following documents: The Journals of each House of Congress at each and every session; all laws of Congress; the annual messages of the President, with accompanying documents; the daily

Congressional Record, and all other documents or books which may be printed and bound by order of either House of Congress; and the Public Printer is hereby authorized and directed to furnish to the Secretary of the Senate and the Clerk of the House of Representatives the documents referred to in this section —*Sup. p.* 591, *Feb.* 8, 1881.

PRINTING FOR PRIVATE PARTIES.

If any person desiring extra copies of any document printed at the Government Printing Office by authority of law shall, previous to its being put to press, notify the Congressional Printer of the number of copies wanted, and shall pay to him, in advance, the estimated cost thereof, and 10 per cent. thereon, the Congressional Printer may, under the direction of the Joint Committee on Public Printing, furnish the same.—*R. S.* 3809.

That the Public Printer be, and he is hereby, directed to furnish to all applicants copies of bills, and reports and other public documents hereafter printed by order of Congress, distributed from the document rooms of the Senate and House, on said applicants paying the cost of such printing with 10 per cent. added, and giving the notice required by section 3809 of Title XLV of the Revised Statutes.—*Sup. p.* 582, *May* 8, 1880.

It shall be lawful for the Congressional Printer to print and deliver, upon the order of any Senator or Member of the House of Representatives, or Delegate, extracts from the Congressional Record; the person ordering the same paying the cost thereof.—*18 Stat. L. p.* 347, *March* 3, 1875.

That it shall be lawful for the Public Printer, under the direction of the Joint Committee of the Senate and House of Representatives on Printing, to print for sale, at a price sufficient to reimburse the expenses of such printing, the current Congressional Directory and the current numbers of the Congressional Record. The money derived from such sales shall be paid into the Treasury monthly to the credit of the appropriation for public printing, and no sales shall be made on credit.—*22 Stat. L. p.* 642, *March* 3, 1883.

That the Public Printer be authorized to bind at the Government Printing Office any books, maps, charts, or documents, published by authority of Congress, upon application of any member of the Senate or House of Representatives, upon payment of the actual cost of such binding.—*Sup. p.* 303, *Dec.* 10, 1877.

BILLS AND JOINT RESOLUTIONS.

There shall be printed 750 copies of every bill or joint resolution ordered by either House of Congress or required by any rule thereof to be printed, unless a different number shall be specifically ordered.—*R. S.* 3791.

Increased by orders to 925.

THE USUAL NUMBER.

Fifteen hundred and fifty copies of any document ordered by Congress shall be printed, and that number shall be known as the usual number. No greater number shall be printed unless ordered by either House or as hereinafter provided.—*R. S.* 3792.

Increased by orders to 1,900, which includes the numbers for distribution by the Congressional Library and exchange in foreign countries.

That whenever any document or report shall be ordered printed by Congress, there shall be printed, in addition to the number in each case stated, the “usual number” of copies for binding and distribution among those entitled to receive them; and this shall apply to all unexecuted orders now in the office of the Public Printer.—22 *Stat. L. p.* 387, *July* 7, 1882.

COPIES FOR LIBRARY OF CONGRESS.

The Congressional Printer shall, when so directed by the Joint Committee on the Library, print, in addition to the usual number, either 50 or 100 copies, as he may be directed, of all documents printed by order of either House of Congress, or of any Department or Bureau of the Government.—*R. S.* 3796.

Of the documents printed by order of either House there shall be printed and bound 50 additional copies for the purpose of exchange in foreign countries.—*R. S.* 3799.

ANNUAL REPORTS.

Of the documents named in this section there shall be printed and bound, in addition to the usual number for Congress, the following numbers of copies, namely:

First. Of the documents accompanying the annual reports of the Executive Departments, 1,000 copies for the use of the members of the Senate and 2,000 copies for the use of the members of the House of Representatives.

ABRIDGMENT.

Second. Of the President's message, the annual reports of the Executive Departments, and the abridgment of accompanying documents, unless otherwise ordered by either House, 10,000 copies for the use of the members of the Senate and 25,000 copies for the use of the members of the House of Representatives.

FOREIGN AFFAIRS.

Third. Of papers relating to foreign affairs, accompanying the annual message of the President, 2,000 copies for the use of the members of the Senate and 4,000 copies for the use of the members of the House of Representatives.

COMMERCIAL RELATIONS.

Fourth. Of the "Commercial Relations," annually prepared under the directions of the State Department, 2,000 copies for the use of the members of the Senate and 3,000 copies for the use of the members of the House of Representatives.

COMMERCE AND NAVIGATION.

Fifth. Of the annual report on the statistics of commerce and navigation, exports and imports, merchandise in transit, manufactures, and registered and enrolled vessels, prepared by the Chief of the Bureau of Statistics, 2,000 copies for the use of the members of the Senate and 6,150 copies for the use of the members of the House of Representatives.

HOUSE AND SENATE JOURNALS.

Sixth. Of the public journals of the Senate and of the House of Representatives, 1,550 copies.—*R. S.* 3798; *Sup. p.* 140, *Feb.* 18, 1875.

| | |
|-------------------------------------------|--------|
| Number authorized by sec. 3792..... | 1, 550 |
| Number authorized by sec. 3799..... | 50 |
| Number authorized by above paragraph..... | 1, 550 |
| | <hr/> |
| | 3, 150 |

But the distribution requires:

| | |
|----------------------------|--------|
| Of the Senate Journal..... | 3, 194 |
| Of the House Journal..... | 3, 128 |

ACTS AND JOINT RESOLUTIONS.

The Congressional Printer, on receiving from the Secretary of State a copy of any act or joint resolution or treaty, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Secretary of State for revision. On the return of one of the revised duplicates he shall at once have the marked corrections made, and cause to be printed, and sent to the Secretary of State, any number of copies which he may order, not exceeding 500, and to be printed separately, and sent to the two Houses of Congress, the usual number.—*R. S.* 3805.

POSTAL CONVENTIONS.

The Congressional Printer, on receiving from the Postmaster-General a copy of any postal convention between the Postmaster-General, on the part of the United States, and an equivalent officer of any foreign government, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Postmaster-General. On the return of one of the revised duplicates, he shall at once have the marked corrections made, and cause to be printed, and sent to the Postmaster-General, any number of copies which he may order, not exceeding 500, and to be printed separately, and sent to the two houses of Congress, the usual number.—*R. S.* 3806.

STATUTES AT LARGE, SESSION LAWS, AND REVISED STATUTES.

At the close of each session of Congress there shall be printed and bound for the use of the Senate 3,000 and for the use of the

House of Representatives 10,000 copies of all acts and resolutions so furnished, with a complete alphabetical index. * * *—
R. S. 3807.

That the Congressional Printer be, and he is hereby directed, in causing to be printed and bound an edition of the laws at the close of the session for the use of the Senate and the House of Representatives, to print the same from the stereotype plates of the edition prepared under the direction of the Department of State, with the index thereof.—*R. S.* 3807; *Sup. p.* 165, *March* 3, 1875.

• *SEC. 2.* That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication, and distribution the Revised Statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head notes of the several titles and chapters and the marginal notes referring to the statutes from which each section was compiled and repealed by said revision; and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same.

* * * * * * *

SEC. 5. That he shall, in like manner, cause to be edited, printed, published, and distributed pamphlet copies of the statutes of the present and each future session of Congress to the officers and persons hereinafter provided, and bound copies of the laws of each Congress to the number of 2,000 copies, to be distributed in the manner now provided by law, and uniform with the said edition of the Revised Statutes.

SEC. 6. That at the close of every session of Congress the Secretary of State shall cause to be distributed pamphlet copies of the acts and resolves of Congress for that session, edited and printed in the manner aforesaid, as follows:

To the President and Vice-President of the United States, 2 copies each.

To each Senator, Representative, and Delegate in Congress, 1 copy.

To the Librarian of the Senate, for use of Senators, 126 copies.

To the Librarian of the House, 250 copies, for the use of the Representatives and Delegates.

To the Library of Congress, 14 copies.

To the Department of State, including those for the use of legations and consulates, 600 copies.

To the Treasury Department, 200 copies.

To the War Department, including those for the use of officers of the Army, 200 copies.

To the Navy Department, including those for the use of officers of the Navy, 100 copies.

To the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, 250 copies.

To the Post-Office Department, 50 copies.

To the Department of Justice, including those for the use of the Chief and Associate Justices, the judges and the officers of the United States and Territorial courts, 425 copies.

To the Department of Agriculture, 10 copies.

To the Smithsonian Institution, 5 copies.

To the Government Printing Office, 2 copies.

To the governors and secretaries of Territories, 1 copy each.

To be retained in the custody of the Secretary of State, 1,000 copies.

And 10,000 copies shall be distributed to the States and Territories in proportion to the number of Senators, Representatives, and Delegates in Congress to which they are at the time entitled.

SEC. 7. That after the close of each Congress the Secretary of State shall have edited, printed, and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows:

To the President of the United States, 4 copies, one of which shall be for the library of the Executive Mansion, and one copy shall be for the use of the Commissioner of Public Buildings.

To the Vice-President of the United States, 1 copy.

To each Senator, Representative, and Delegate in Congress, 1 copy.

To the Librarian of the Senate, for the use of Senators, 114 copies.

To the librarian of the House, for the use of Representatives and Delegates, 410 copies.

To the Library of Congress, 14 copies, including four copies for the law library.

To the Department of State, including those for the use of legations and consulates, 380 copies.

To the Treasury Department, including those for the use of officers of customs, 260 copies.

To the War Department, including a copy for the Military Academy at West Point, 50 copies.

To the Navy Department, including a copy for the library at the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the library of the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Mass., 65 copies.

To the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, 250 copies.

To the Post-Office Department, 50 copies.

To the Department of Justice, including those for the use of the Chief and Associate Justices, the judges and the officers of the United States and Territorial courts, 425 copies.

To the Department of Agriculture, 5 copies.

To the Smithsonian Institution, 2 copies.

To the Government Printing Office, 1 copy.

The Secretary of State shall supply deficiencies and offices newly created.

* * * * *

SEC. 9. That the said laws of each session of Congress shall also be stereotyped and printed for sale, as provided in respect to the said Revised Statutes. And the copies of the said Revised Statutes and of the said laws of each session of Congress, as issued from time to time, shall be respectively sold at the cost of the paper, press-work, and binding, with 10 per cent. thereof added thereto, to any person applying for the same. And the proceeds of all sales shall be paid into the Treasury.—*Sup. pp.* 50-52, *June* 20, 1874.

That an act approved June 20, 1876 [1874], be so amended as to increase the number of the pamphlet and bound copies of the laws of the United States to be supplied to the Treasury Department, as provided in sections 6 and 7, from 200 copies to 300 copies; and that the number of pamphlets and bound copies of the laws of the United States printed for distribution by the Secretary of State, as provided in section 5 of the said act, be increased from 2,000 copies to 2,100 copies.—22 *Stat. L. pp.* 565, 566, *March* 3, 1883.

REVISED STATUTES—SECOND EDITION.

That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one person, learned in the law, as a Commissioner, for the purpose of preparing and publishing a new edition of the first volume of the Revised Statutes of the United States. * * * And said Secretary shall cause 15,000 copies of the same to be printed and bound at the Government Printing Office, under the supervision of said Commissioner, at the expense of the United States, and without unnecessary delay. * * *—*Sup. pp.* 285, 286, *March* 2, 1875.

That the 15,000 copies of the new edition of the first volume of the Revised Statutes of the United States required by the fourth section of the "Act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States," approved March 2, 1877, to be printed and bound, shall be disposed of by the Secretary of State as follows:

To the President of the United States, 4 copies, one of which shall be for the library of the Executive Mansion, and one copy for the use of the Commissioner of Public Buildings.

To the Vice-President of the United States, 2 copies.

To each Senator, Representative, and Delegate in Congress, to the Secretary of the Senate, and to the Clerk of the House of Representatives, 1 copy.

To the Librarian of the Senate, for the use of Senators, 120 copies.

To the Librarian of the House, for the use of Representatives and Delegates, 410 copies.

To the Senate of the United States, for distribution, 760 copies.

To the House of Representatives, for distribution, 2,920 copies.

To the Library of Congress, 14 copies, including four copies for the law library.

To the Department of State, for the use of legations and consulates, 380 copies.

To the Treasury Department, including those for the use of officers of customs, 280 copies.

To the War Department, including five copies for the use of the Military Academy at West Point, 55 copies.

To the Navy Department, including three copies for the library of the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Mass., 70 copies.

To the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of land offices, 255 copies.

To the Department of Justice, including those for the use of the Chief and Associate Justices of the Supreme Court, the judges and officers of the United States and Territorial courts, 450 copies.

To the Department of Agriculture, 5 copies.

To the Smithsonian Institution, 2 copies.

To the Government Printing Office, 2 copies.

And the Secretary of State shall supply deficiencies and offices newly created.

And that the residue of said fifteen thousand volumes, together with any further number thereafter printed and bound, shall, by the Secretary of State, be sold at the cost of paper, press-work, and binding, with 10 per cent. added thereto. * * *

And whenever the said residue of said fifteen thousand copies shall be exhausted, said Secretary shall cause another 5,000 copies to be printed and bound, at the expense of the United States to be sold in like manner, unless otherwise disposed of by order of

Congress; the cost of the same to be paid from the general appropriation for printing.—*Sup. p.* 387, *May* 22, 1878.

SUPPLEMENT TO THE REVISED STATUTES.

That the Supplement to the Revised Statutes, embracing the statutes general and permanent in their nature passed after the Revised Statutes, with references connecting provisions on the same subject, explanatory notes, citations of judicial decisions, and a general index, prepared by William A. Richardson, be stereotyped at the Government Printing Office; and the index and plates thereof and all right and title therein and thereto shall be in and fully belong to the Government for its exclusive use and benefit.

That 6,357 copies be printed, bound, and distributed as provided for the distribution of the Revised Statutes by the "Joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States," passed May 22, 1878, and joint resolution passed December 21, 1878, and such additional copies, on the order of the Secretary of State, as may be necessary, from time to time, to be kept for sale in the same manner and on like terms as the Revised Statutes are required to be kept for sale, and to supply deficiencies and offices newly created.—*Sup. pp.* 582, 583, *July* 7, 1880.

DECISIONS OF THE FIRST COMPTROLLER.

That the Public Printer be, and is, required to print not more than one volume each year of the decisions and opinions of the First Comptroller of the Treasury Department, with such explanatory matter as he may furnish, and to furnish for the use of each Senator, Representative, and Delegate in Congress 10 copies thereof, to the Comptroller 2,000 copies, and for distribution in the manner provided in section 7 of the act of June 20, 1874 (18 Statutes at Large, page 113), providing for the publication of the statutes, one-half the number therein mentioned.—22 *Stat. L. p.* 391, *Aug.* 3, 1882.

Decisions of the First Comptroller—Number of copies to be furnished.

| | | | |
|---------------------------------|--------|-------------------------------|--------|
| The President of the U. S..... | 2 | Navy Department | 33 |
| The Vice-President of the U. S. | 1 | Department of the Interior... | 125 |
| Senators | 836 | Post-Office Department | 25 |
| Representatives | 3, 575 | Department of Justice..... | 213 |
| Delegates | 88 | Department of Agriculture... | 3 |
| First Comptroller..... | 2, 000 | Smithsonian Institution | 1 |
| Librarian of the Senate..... | 57 | Government Printing Office .. | 1 |
| Librarian of the House..... | 205 | | |
| Library of Congress..... | 7 | | 7, 517 |
| Department of State | 190 | Regular number | 1, 900 |
| Treasury Department | 130 | | |
| War Department..... | 25 | | 9, 417 |

Vols. 1 and 2, Decisions of First Comptroller, have been published; vol. 3 is in press, and vol. 4 is in preparation.

BIENNIAL REGISTER.

That in lieu of the number of copies of the Biennial Register now authorized by law to be printed, the Secretary of the Interior be, and he is hereby, directed to cause to be printed 2,500 copies of the said work, to be distributed as follows :

To the President of the United States, 4 copies, one copy of which shall be for the library of the Executive Mansion.

To the Vice-President of the United States, 2 copies.

To each Senator, Representative, and Delegate in Congress, 1 copy.

To the Secretary of the Senate, 1 copy.

To the Clerk of the House, 1 copy.

To the library of the Senate, 50 copies, of which one copy shall be supplied to each standing committee of the Senate.

To the library of the House of Representatives, 75 copies, of which one copy shall be supplied to each standing committee of the House.

To the Library of Congress, 25 copies.

To the Department of State, 250 copies.

To the Treasury Department, 150 copies.

To the War Department, 50 copies.

To the Navy Department, 20 copies.

To the Department of Justice, 25 copies.

To the Post-Office Department, 100 copies.

To the Department of the Interior, 250 copies.

To the Department of Agriculture, 5 copies.

To the Smithsonian Institution, 4 copies.

To the State library and State historical society of each State, and to the executive of each Territory, and to the designated depository of public documents in each Congressional district in the United States, 1 copy each, and the remaining copies shall be kept by the Secretary of the Interior as a reserve, from which he may supply newly-created offices; and members of Congress 1 additional copy.

SEC. 2. That hereafter the lists directed by sections 198 and 510 of the Revised Statutes to be furnished by the several Departments and officers of the Government for the Biennial Register shall be made up to the first day of July of each year in which a new Congress is to assemble, and shall be filed as soon thereafter as practicable in the Department of the Interior.—*Sup. p. 304, Dec. 15, 1877; 21 Stat. L. p. 275, June 16, 1880.*

CONGRESSIONAL RECORD.

Until a contract for publishing the debates of Congress is made, such debates shall be printed by the Congressional Printer, under the direction of the Joint Committee on Public Printing on the part of the Senate and of the House of Representatives.—*R. S. 78; Sup. p. 3, Jan. 22, 1874.*

That the Congressional Printer be directed to furnish 3,425 copies for the use of the Senate, and 7,250 copies for the use of the House of Representatives, of the Congressional Record, or of any such other like official report of the debates in Congress as may be hereafter authorized by law, either daily, as originally published, or in the revised form, without binding, or in bound volumes, or part in each form, as each Senator, Member, or Delegate receiving the same may elect.—*Sen. Four. 1st sess. 43d Cong. p. 197, Jan. 30, 1874; Ib. p. 659, June 2, 1874; House Four. 1st sess. 47th Cong. p. 1532, June 24, 1882.*

That the Public Printer be authorized to furnish the Chief Inc

Resolved, That the Congressional Printer be, and he is hereby, authorized and directed to furnish one copy of the bound volume of the Congressional Record to each of the following named officers of the House of Representatives, viz: The Clerk, the Sergeant-at-Arms, the Doorkeeper, the Postmaster, and each of the Official Reporters of the debates.—*Cong. Record, Vol. 3, part 2, p. 1112, February 10, 1875.*

United States, and the clerk and marshal of the court, with a current copy of the daily Congressional Record, and at the end of each session a bound copy of the proceedings of Congress for such session. And the Public Printer shall also furnish to the Official Reporter of the Senate 5 bound copies of the Congressional Record for each session.—*Sup. p. 616, Jan. 27, 1881.*

That the Joint Committee on Printing be, and they are hereby, authorized and directed to make the necessary provisions and arrangements for hereafter issuing the index of the Congressional Record semi-monthly during the sessions of Congress, beginning with next ensuing session. That the Public Printer be, and he is hereby, directed to print and distribute the same number of copies of said semi-monthly index as he prints and distributes of the daily issue of the Record, and to the same persons and in the same manner. That the Public Printer shall employ such person to prepare said index as shall be designated by the Joint Committee on Printing, who shall also fix and regulate the compensation to be paid by the Public Printer for the said work and direct the form and manner of its publication: *Provided, however,* That the compensation allowed for preparing said semi-monthly index, including their compilation into a session index, shall not exceed the average total amount now allowed by the Joint Committee on Printing for compiling the session index.—*Sup. p. 617, Feb. 8, 1881.*

The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton, in Ohio, and to the branches at Augusta, in Maine, Milwaukee, in Wisconsin, Hampton, in Virginia, and the Soldier's Home at Knightstown Springs, near Knightstown, in Indiana, each, 1 copy of * * * the daily Congressional Record; * * * and the Public Printer is hereby authorized and directed to furnish to the Secretary of the Senate and the Clerk of the House of Representatives the documents referred to in this section.—*Sup. p. 591, Feb. 8, 1881.*

That the Public Printer be, and he is hereby, authorized and directed to forward, free of charge, to the State and Territorial libraries of each State and Territory having or that shall hereafter

have and maintain a State and Territorial library, 1 bound copy of the Congressional Record of each session of Congress or special session of the Senate, beginning with the Forty-seventh Congress; and the Public Printer is directed to print 50 additional copies of the same to meet the requirements of this joint resolution.—22 *Stat. L. p.* 390, *Aug* 2, 1882.

REBELLION RECORDS.

To enable the Secretary of War to begin the publication of the official Records of the War of the Rebellion, both of the Union and of the Confederate armies, the sum of \$15,000. And the Secretary of War is hereby directed to have copied for the Public Printer all reports, letters, telegrams, and general orders not heretofore copied or printed, and properly arranged in chronological order.—18 *Stat. L. p.* 222, *June* 23, 1874.

For continuing the preparation of the publication of the official Records of the War of the Rebellion, both of the Union and Confederate armies, and for the printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the official records, Union and Confederate, of the War of the Rebellion, so far as the same may be ready for publication during the fiscal year, \$40,000; and of said number 7,000 copies shall be for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the use of the Executive Departments; and for the compensation of temporary clerks and other employes engaged thereon, the collection of such Confederate records as may be placed at the disposal of the Government by gift or loan, for rent of necessary offices, for fuel, stationery, and incidental expenses, \$40,490; and the Secretary of War is authorized to negotiate with the legal representatives of the late Confederate Generals Bragg and Polk for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress.—21 *Stat. L. p.* 269, *June* 16, 1880.

For the publication of the official Records of the War of the Rebellion, both of the Union and Confederate armies, as follows: For continuing the publication of the official Records, and print-

ing and binding, under direction of the Secretary of War, of 11,000 copies of a compilation of the official records, Union and Confederate, of the War of the Rebellion, so far as the same may be ready for publication during the fiscal year, \$36,300. The volumes of the official Records of the War of the Rebellion shall be distributed as follows: One thousand copies to the Executive Departments, as now provided by law. One thousand copies of distribution by the Secretary of War among officers of the Army and contributors to the work. Eight thousand three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress. Each Senator shall designate not exceeding twenty-six, and each Representative and Delegate not exceeding twenty-one of such addresses, and the volumes shall be sent thereto from time to time as they are published, until the publication is completed. Senators, Representatives, and Delegates shall inform the Secretary of War in each case how many volumes of those heretofore published they have forwarded to such addresses. The remaining copies of the eleven thousand to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War for cost of publication with 10 per cent. added thereto; and the proceeds of such sale shall be covered into the Treasury. If two or more sets of said volumes are ordered to the same address, the Secretary of War shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, organizations, or individuals. The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals. He shall also inform distributees at whose instance the volumes are sent.—22 *Stat. L. p.* 320, *Aug. 7, 1882.*

For continuing the publication of the official Records and printing and binding, under direction of the Secretary of War, of a compilation of the official Records, Union and Confederate, of the War of the Rebellion, so far as the same may be ready for publication during the fiscal year, \$36,000. And the sets of said

compilation held by the Secretary of War for distribution to addresses to be furnished by Senators, Representatives, and Delegates shall be subject to their order, as now provided by law, until July 1, 1884.—22 *Stat. L. p.* 618, *March 3, 1883.*

The official Records of the War of the Rebellion will be published in series as follows:

The First Series will embrace the formal reports, both Union and Confederate, of the first seizures of United States property in the Southern States, and of all military operations in the field, with the correspondence, orders, and returns relating specially thereto, and, as proposed, is to be accompanied by an Atlas.

In this series the reports will be arranged according to the campaigns and several theaters of operations (in the chronological order of the events), and the Union reports of any event will, as a rule, be immediately followed by the Confederate accounts. The correspondence, &c., not embraced in the "reports" proper will follow (first Union and next Confederate) in chronological order. This will be the series most desired by the public, and according to present estimates will embrace about 80 octavo volumes averaging 800 pages each.

Of this series eight volumes have been published. Volume IX is in the hands of the printer, and will be issued soon. The text of Volumes X-XV has been stereotyped, and the volumes will be published as soon as indexed.

The contents of the volumes of this series already arranged are as follows:

- Vol. I.—Operations in South Carolina, December, 1860–April 14, 1861; Florida, January–August, 1861; Texas and New Mexico, February–June 11, 1861; Arkansas, Indian Territory, and Missouri, February–May 9, 1861. The secession of Georgia, Alabama, Mississippi, North Carolina, and Louisiana.
- Vol. II.—Operations in Maryland, Pennsylvania, Virginia, and West Virginia, April–July, 1861.
- Vol. III.—Operations in Missouri, Arkansas, Kansas, and Indian Territory, May 10–November 19, 1861.
- Vol. IV.—Operations in Texas, New Mexico, and Arizona, June 11, 1861–February 1, 1862; Kentucky and Tennessee, July–November 19, 1861; North Carolina and Southeastern Virginia, August, 1861–January 11, 1862.
- Vol. V.—Operations in Maryland, Northern Virginia, and West Virginia, August, 1861–March 17, 1862.
- Vol. VI.—Operations on the coast of South Carolina, Georgia, and Middle and East Florida, August 21, 1861–April 11, 1862; West Florida, Southern Alabama, Southern Mississippi, and Louisiana, September, 1861–May 12, 1862.

- Vol. VII.—Operations in Kentucky, Tennessee, North Alabama, and Southwest Virginia, November 19, 1861–March 4, 1862.
- Vol. VIII.—Operations in Missouri, Kansas, Arkansas, and Indian Territory, November 19, 1861–April 10, 1862.
- Vol. IX.—Operations in Southeastern Virginia, January 11–March 17, 1862; North Carolina, January 11–August 20, 1862; Texas, New Mexico, and Arizona, February–September 20, 1862.
- Vol. X (in two parts).—Operations in Kentucky, Tennessee, North Mississippi, North Alabama, and Southwest Virginia, March 4–June 10, 1862.
- Vol. XI (in three parts).—The Peninsula Campaign, Virginia, March 17–September 2, 1862.
- Vol. XII (in three parts).—Operations in Northern Virginia, West Virginia, and Maryland, March 17–September 2, 1862.
- Vol. XIII.—Operations in Missouri, Arkansas, Kansas, Indian Territory, and Department of the Northwest, April 10–November 20, 1862.
- Vol. XIV.—Operations in South Carolina, Georgia, Middle and East Florida, April 12, 1862–June 11, 1863.
- Vol. XV.—Operations in West Florida, South Alabama, South Mississippi, Louisiana, and (from September 20, 1862) Texas and New Mexico (including operations against Vicksburg, May 18–July 27, 1862), May 13, 1862–May 13, 1863.
- Vol. XVI (in two parts).—Operations in Kentucky, Middle and East Tennessee, North Alabama, and Southwest Virginia, June 10–October, 1862.
- Vol. XVII (in two parts).—Operations in West Tennessee and North Mississippi (including operations against Vicksburg from the north, and against Arkansas Post), June 10, 1862–January 20, 1863.
- Vol. XVIII.—Operations in North Carolina and Southeast Virginia, August 20, 1862–June 3, 1863.
- Vol. XIX.—Operations in Northern Virginia, West Virginia, Maryland, and Pennsylvania, September 3–November 15, 1862.
- Vol. XX.—Operations in Kentucky, Middle and East Tennessee, North Alabama, and Southwest Virginia, November 1, 1862–January 5, 1863.
- Vol. XXI.—Operations in Northern Virginia, West Virginia, Maryland, and Pennsylvania, November 15, 1862–January 26, 1863.
- Vol. XXII.—Operations in Missouri, Arkansas, Kansas, the Indian Territory, and Department of the Northwest, November 20–December 31, 1862.

The remaining volumes not yet determined.

The Second Series will contain the correspondence, orders, reports, and returns, Union and Confederate, relating to prisoners of war, and (so far as the military authorities were concerned) to state or political prisoners. This series will probably comprise four octavo volumes.

The Third Series will contain the correspondence, orders, reports, and

returns of the Union authorities (embracing their correspondence with the Confederate officials) not relating specially to the subjects of the *first* and *second* series. It will set forth the annual and special reports of the Secretary of War, of the General-in-Chief, and of the chiefs of the several staff corps and departments; the calls for troops, and the correspondence between the national and the several State authorities. This will be contained in about eight volumes.

The Fourth Series will exhibit the correspondence, orders, reports, and returns of the Confederate authorities, similar to that indicated for the Union officials, as of the *third* series, but excluding the correspondence between the Union and Confederate authorities given in that series, and will probably include about four volumes.

The volumes of Series I are so arranged that persons interested in a particular army or theater of operations can secure the records pertaining thereto with but little extraneous matter. For example, the history of the Army of the Potomac and the Army of Northern Virginia is given in Volumes II, V, XI, XII, XIX, XXI, &c.; that of the Army of the Cumberland in Volumes IV, VII, X, XVI, XX, &c.; and that of the Army of the Tennessee in Volumes IV, VII, X, XVII, &c.; while trans-Mississippi operations appear in Volumes I, III, VIII, XIII, &c.; those in North Carolina in Volumes IX, XVIII, &c.; and those on the coasts of South Carolina and Georgia in Volumes I, VI, XIV, &c.

By the above it will be noticed that 700 copies are placed with the Secretary of War for sale, to whom all applications should hereafter be made.

SURVEYS WEST OF 100TH MERIDIAN.

For engraving and printing the plates illustrating the Report of the Geographical and Geological Explorations and Surveys West of the One-hundredth Meridian, to be published in quarto form, the printing and binding to be done at the Government Printing Office, * * * and that 2,000 copies of the report shall be printed by the Congressional Printer. * * *—18 *Stat. L. p. 224, June 23, 1874; Ib. p. 315, Feb. 15, 1875.*

That the following distribution shall be made of the Reports of the United States Geographical Surveys West of the One-hundredth Meridian, published in accordance with acts approved June 23, 1874, and February 15, 1875, as the several volumes are issued from the Government Printing Office, to wit: 950 copies of each to the House of Representatives, 250 copies of each to the Senate, and 800 copies of each to the War Department for its uses.—*Cong. Record, vol. 4, part 3, p. 2969, May 4, 1876.*

Publications of Survey West of 100th Meridian.

Special Preliminary and Progress Reports: Exploration of 1869, 1871, and 1872.

Annual Reports of fiscal years ending June 30, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, and 1882.

Quarto Reports: Vol. I.—Geographical Report.

Vol. II.—Astronomy and Barometric Hypsometry.

Vol. III.—Geology (with supplement).

Vol. IV.—Paleontology.

Vol. V.—Zoölogy.

Vol. VI.—Botany.

Vol. VII.—Archæology.

Nineteen special publications.

Maps: Topographical Atlas (including crayon prints); Geological Atlas; Land Classification Series; Special Maps (separate from reports); Special Maps (accompanying and bound with reports).

Of the above, all except Vol. I have been printed. In addition to the seven quarto volumes, the preliminary and progress reports, special publications and the maps (Topographical, Land Classification, and Geological) already issued, there yet remain unpublished certain reports and a number of sheets of the Topographical and Land Classification series.

GEOLOGICAL SURVEY.

The publications of the Geological Survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology. The annual report of operations of the Geological Survey shall accompany the annual report of the Secretary of the Interior. All special memoirs and reports of said Survey shall be issued in uniform quarto series, if deemed necessary by the Director, but otherwise in ordinary octavos. Three thousand copies of each shall be published for scientific exchanges and for sale at the price of publication; and all literary and cartographic materials received in exchange shall be the property of the United States and form a part of the library of the organization; and the money resulting from the sale of such publications shall be covered into the Treasury of the United States. * * *—*Sup. p.* 461, *March 3, 1879.*

That there be printed at the Government Printing Office 11,000 copies each of the second and third annual reports of the

Director of the United States Geological Survey, with the necessary illustrations and charts, 5,000 copies of which shall be for the use of the House of Representatives, 2,500 for the use of the Senate, and 2,500 for the use of the United States Geological Survey, and 1,000 for sale by the Public Printer, at the cost of publication with 10 per cent. added thereto; the illustrations and charts to be made by the Public Printer under the direction of the Joint Committee on Printing.—22 *Stat. L. p.* 293, *Aug.* 5, 1882.

Publications of the Geological Survey.

Annual reports: I. First Annual Report to the Hon. Carl Schurz, by Clarence King, 1880.

II. Second Annual Report, 1880-'81, by J. W. Powell, Director, 1882.

The Third Annual Report is now in press.

The Fourth Annual Report is now in hands of printer.

Monographs: I. The Precious Metals, by Clarence King.

II. Tertiary History of the Grand Cañon District, with atlas, by Capt. C. E. Dutton.

III. Geology of the Comstock Lode and Washoe District with atlas, by George F. Becker.

IV. Comstock Mining and Miners, by Eliot Lord.

V. Copper-bearing Rocks of Lake Superior and their continuation through Minnesota, by Prof. R. D. Irving.

VI. Older Mesozoic Flora of Virginia, by Prof. William M. Fontaine.

Geology and Mining Industry of Leadville, with atlas, by S. F. Emmons.

Geology of the Eureka Mining District, Nevada, with atlas, by Arnold Hague.

Coal of the United States, by Prof. R. Pumpelly.

Iron in the United States, by Prof. R. Pumpelly.

Lesser Metals and General Mining Resources, by Prof. R. Pumpelly.

Lake Bonneville, by G. K. Gilbert.

Dinocerata. A monograph on an extinct order of Ungulates, by Prof. O. C. Marsh.

Sauropoda, by Prof. O. C. Marsh.

Stegosauria, by Prof. O. C. Marsh.

Of these monographs, No. II is published, viz:

II. Tertiary History of the Great Cañon District, with atlas, by C. E. Dutton, Capt. U. S. A., 1882, 4^o, 264 pp., 42 plates, and atlas of 26 double sheets folio. Price \$10.12.

Nos. III, IV, V, and VI are in press and will appear in quick succession. The others, to which numbers are not assigned, are in preparation.

Bulletins: No. 1, on hypersthene-Andesite and on triclinic pyroxene in Augitic rocks, by Whitman Cross, 1883. Price, 10 cents.

HAYDEN'S SURVEY.

That there be printed 10,000 copies of Professor Hayden's Twelfth Annual Report of the Geological and Geographical Survey of the Territories for 1878; 5,000 of which shall be for the use of the House of Representatives, 2,000 copies for the use of the Senate, 2,000 copies for the use of the Department of the Interior, and 1,000 copies for the use of the office of the Survey.—*Cong. Record*, vol. 8, part 1, p. 292, Dec. 19, 1878.

That there be printed at the Government Printing Office 3,000 copies each of Volumes IV and XII of the final reports of the Geological and Geographical Survey of the Territories, in quarto form, with the necessary illustrations, 1,500 copies of which shall be for the use of the House of Representatives, 500 for the use of the Senate, 500 for the use of the Survey, and 500 for the use of the Smithsonian Institution; the illustrations to be made by the Public Printer, under the direction of the Joint Committee on Public Printing.—*Sen. Four. 2d sess. 45th Cong. p. 748, June 17, 1878; Ib. p. 763, June 18, 1878.*

That there be printed at the Government Printing Office 3,000 copies each of Volumes III, VIII, and XIII of the final reports of the Geological and Geographical Survey of the Territories, in quarto form, with the necessary illustrations; 1,500 copies of which shall be for the use of the House of Representatives, 750 for the use of the Senate, 375 for the use of the Survey, and 375 for the use of the Department of the Interior; the illustrations to be made by the Public Printer, under the direction of the Joint Committee on Public Printing.—*Cong. Record*, vol. 8, part 1, p. 749, Jan. 25, 1879.

That there be printed at the Government Printing Office, for the use of the Department of the Interior, 1,500 copies each of Volumes IV and XII, and 1,200 copies each of Volumes III, VIII, and XIII of the final reports of the Geological and Geographical

Survey of the Territories, in quarto form, with the necessary illustrations, uniform with the edition ordered by Congress.—*House Four. 2d sess. 46th Cong. p. 815, March 19, 1880.*

That there be printed at the Government Printing Office, with the necessary illustrations, 5,000 copies of the Report on Zoölogy, Volume XIV of the final reports of the United States Geological Survey of the Territories, by F. V. Hayden; 2,800 copies of which shall be for the use of the House of Representatives, 1,200 for the use of the Senate, and 1,000 for the Department of the Interior.—*House Four. 2d sess. 46th Cong. p. 1042, April 17, 1880.*

That whenever the proper officer having charge thereof shall have received a sufficient number of orders for Professor Hayden's Atlas of Colorado, accompanied by the cost price thereof with 10 per cent. additional, to warrant, in his opinion, the expense of putting the plates to press, he shall cause an edition thereof to be published: *Provided, however,* That the number thus printed shall in no case exceed the number actually ordered and paid for in advance of said publication.—*Cong. Record, vol. 8, p. 1072, Feb. 7, 1879.*

That the copies of the Atlas of Colorado heretofore ordered for the use of the two Houses of Congress and the Department of the Interior be suitably bound by the Public Printer, for distribution in accordance with the resolution ordering the same.—*Sen. Four. 1st sess. 47th Cong. pp. 516, 881, June 26, 1882.*

Publications Hayden's Survey.

Annual Reports 1 to 12, inclusive (1867-'78), published.

Bulletins, vols. 1 to 6, inclusive (1874-'82), published.

Miscellaneous Publications, Nos. 1 to 12, inclusive (1873-'80), published

Final Reports, vol. 1. Fossil Vertebrates—Leidy.

vol. 2. Cretaceous Vertebrata—Cope.

vol. 3. The Vertebrata of the Mesozoic Formations of the Western Territories—Cope.

vol. 4. The Vertebrata of the Mesozoic Formations of the Western Territories—Cope.

vol. 5. North American Acrididæ—Thomas.

vol. 6. Cretaceous Flora—Lesquereux.

vol. 7. Tertiary Flora—Lesquereux.

vol. 8. Cretaceous and Tertiary Flora—Lesquereux.

vol. 9. Fossil Invertebrates—Meek.

- Final Reports, vol. 10. Geometrid Moths—Packard.
 vol. 11. North American Rodentia—Coues and Allen.
 vol. 12. Fresh-water Rhizopods—Leidy.
 vol. 13. Fossil Insects of Western Territories—Scudder.
 vol. 14. Mammals—Coues and Allen.

Of the above, vols. 1, 2, 5, 6, 7, 8, 9, 10, 11, and 12 have been published,
 vol. 3 is in press, and vols. 4, 8, 13, and 14 are yet in preparation.
 Sixteen unclassified publications (1871-'80).

POWELL'S SURVEY.

That there be printed at the Government Printing Office 3,000 copies of the Report of the Geographical and Geological Survey of the Rocky Mountain Region, being Volume II, Contributions to North American Ethnology, in quarto form; 1,500 copies of which shall be for the use of the House of Representatives, 750 for the use of the Senate, 375 for the use of the Survey, and 375 for the use of the Smithsonian Institution.—*Cong. Record*, vol 8, part 1, p. 749, Jan. 25, 1879.

That there be printed at the Government Printing Office, 6,000 copies each of volumes VI, VII, VIII, IX, and X, Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations; 3,030 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,970 for distribution by the Bureau of Ethnology.—*Cong. Record*, vol. 11, part. 3, p. 2338, March 2, 1881.

Publications Powell's Survey.

- Survey of the Colorado River of the West, 1872. [1st Report.]
 Report of the Survey of the Colorado of the West, 1873. [2d Report.]
 Report of Explorations in 1873 of the Colorado of the West and its tributaries, by Prof. J. W. Powell, 1874. [3d Report.]
 Exploration of the Colorado River of the West and its tributaries. Explored in 1869, 1870, 1871, and 1872, 1875.
 Chart of Geological Time, by E. E. Howell, 1875-'76.
 Report on the Geology of the Eastern Portion of the Uinta Mountains and a region of country adjacent thereto, with atlas, by J. W. Powell, 1876.
 Report on the Geology of the Henry Mountains, by G. K. Gilbert, 1877.
 Same, 2d ed., 1880
 Preliminary Report on the Paleontology of the Black Hills, by R. P. Whitfield, 1877.

- Report on the Geographical and Geological Survey of the Rocky Mountain Region, by J. W. Powell, 1877.
- Introduction to the Study of Indian Languages, with words, phrases, and sentences to be collected, by J. W. Powell, 1877.
- Report on the Methods of Surveying the Public Domain, by J. W. Powell, 1878.
- Report on the Lands of the Arid Region of the United States, by J. W. Powell, 1878.
- Same, 2d ed., 1879.
- Report on the Geology of the High Plateaus of Utah, with atlas, by C. E. Dutton, 1880.
- Report on the Geology and Resources of the Black Hills of Dakota, with atlas, by Henry Newton, E. M., and Walter P. Jenney, E. M., 1880.
- Contributions to North American Ethnology. Vol. I. Tribes of the Extreme Northwest, by W. H. Dall; Tribes of Western Washington and Northwestern Oregon, by George Gibbs, 1877.
- Vol. II. The Klamath Tribes of Oregon, by A. S. Gatschet.
- Vol. III. Tribes of California, by Stephen Powers, 1877.
- Vol. IV. Houses and House-Life of the American Aborigines, by Lewis H. Morgan, 1881.
- Vol. V. Cup-shaped Sculpture, by Charles Rau; Prehistoric Trephining, by Robert Fletcher; Manuscript Troano, by Cyrus Thomas, 1882.
- Vol. VI. Language of the Cegibas, by J. O. Dorsey.
- Vol. VII. Language of the Dakota Indians, by A. R. Riggs and J. O. Williamson.

MEDICAL AND SURGICAL HISTORY.

For the purpose of preparing for publication, under the direction of the Secretary of War, and of printing at the Government Printing Office, 5,000 copies of the first volume of the Medical and Surgical History of the Rebellion, compiled by the Surgeon-General; * * * *Provided*, That the editions of both publications thus ordered shall be disposed of as Congress may hereafter direct: *And provided further*, That the necessary engraving and lithographing for these publications may be executed under the direction of the Secretary of War without advertisement.—14 *Stat. L. p. 310, July 28, 1866.*

That there be printed at the Government Printing Office 5,000 copies of the first part of the Medical and Surgical History of the Rebellion, compiled by the Surgeon-General under the direction of the Secretary of War, * * * as authorized by an act of Congress approved July 28, 1866.—15 *Stat. L. p. 347, March 3, 1869.*

That of the 5,000 copies of the Medical and Surgical History of the War, authorized to be printed by joint resolution of Congress approved March 3, 1869, 2,000 copies shall be for the use of the House of Representatives, 1,000 for the Senate, and 2,000 for distribution by the Surgeon-General of the Army.—*Sen. Four. 2d sess. 42d Cong. p. 847, March 27, 1872.*

That the Secretary of War be, and he is hereby, directed to have completed the Medical and Surgical History of the War, by the preparation in the office of the Surgeon-General of two volumes, of one thousand eight hundred pages, in addition to the first volume already compiled and printed under authority of Congress, and he is hereby authorized to have executed, as he may deem advisable, the necessary engraving and lithographing therefor, at an expense not to exceed \$60,000, which shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 2. That 5,000 copies each of the second and third volumes be printed and bound by the Congressional Printer, to be distributed, with the first volume already printed, as may be hereafter directed by Congress.—*17 Stat. L. p. 338, June 8, 1872.*

For continuing the publication of the Medical and Surgical History of the War, to be distributed as Congress may direct, \$60,000; to be used in the preparation of illustrations for a new edition of 5,000 copies of entire work: *Provided*, That the necessary engraving and lithographing for those publications may be executed under the directions of the Secretary of War, without advertisement.—*18 Stat. L. p. 224, June 23, 1874.*

And the Congressional Printer is hereby authorized to print and bind 5,000 additional copies of the Medical and Surgical History of the War of the Rebellion; 1,000 of which shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 1,000 for distribution by the Surgeon-General of the Army.—*18 Stat. L. p. 391, March 3, 1875.*

For preparation of illustrations to complete the second edition of the Medical and Surgical History of the War, part 3, \$25,000.—*19 Stat. L. p. 360, March 3, 1877.*

Volumes I and II of part 1, and Vols. I, II, and III of part 2 have been printed. Volume III of part 1 remains yet to be printed to complete the series. Copy has never been furnished for this volume.

FISH AND FISHERIES.

That there be printed 10,000 extra copies of the Report of the Commissioner of Fish and Fisheries for the year 1879; of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 1,500 copies for the use of the Commissioner of Fish and Fisheries; the illustrations to be made by the Public Printer, under the direction of the Joint Committee on Public Printing; and 500 copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added.—*Sen. Four. 2d sess. 46th Cong. pp. 340, 590, 653, June 1, 1880.*

That there be printed 10,000 additional copies of the Report of the Commissioner of Fish and Fisheries for the year 1880; of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 1,500 copies for the use of the Commissioner of Fish and Fisheries; the illustrations to be made by the Public Printer, under the direction of the Joint Committee on Public Printing; and 500 copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon.—*Cong. Record, vol. 11, part 1, p. 865, Jan. 14, 1881.*

That there be printed 10,000 extra copies of the Report of the Commissioner of Fish and Fisheries for the year 1881, of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 1,500 for the use of the Commissioner of Fish and Fisheries, the illustrations to be made by the Public Printer, under the direction of the Joint Committee on Public Printing, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added.—*Sen. Four. 1st sess. 47th Cong. pp. 508, 858, June 21, 1882.*

That 10,000 additional copies of the Report of the Commissioner of Fish and Fisheries for the year 1882 be printed; of which 2,000 copies shall be for the use of the Senate, 6,000 copies

for the use of the House, 1,500 copies for the use of the Commissioner of Fish and Fisheries, and 500 copies for sale by the Public Printer, at a price equal to the additional cost of publication and 10 per cent. thereon added.—*Sen. Four. 2d sess 47th Cong. pp. 390, 534, March 3, 1883.*

Annual Reports of Commissioner of Fish and Fisheries for 1871-'72, 1872-'73, 1873-'74 and 1874-'75; 1875-'76, 1876-'77, 1878, and 1879 have been published. Annual Report for 1880 is now in press. Annual Report for 1881 is in preparation.

That the Public Printer be, and is hereby, instructed to print, in quarto form, a report by the United States Commission of Fish and Fisheries, upon the food-fishes and the fisheries of the United States, the engravings to be in relief and to be contracted for by the Public Printer, under the direction of a Joint Committee on Printing, and to receive the approval of the Commissioner before being accepted; the work to be stereotyped, and 10,000 extra copies printed, of which 2,500 shall be for the use of the Senate, 5,000 for the use of the House, and 1,500 for the use of the Commissioner of Fish and Fisheries. There shall also be printed 1,000 extra copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon added.—*Sen. Four. 1st sess. 47th Cong. pp. 967, 992, July 21, 1882.*

That 3,000 sets of the five volumes of the reports of the United States Fish Commission be printed from the stereotype plates; of which 700 shall be for the use of the Senate, 1,800 for the House of Representatives, and 500 for the use of the Commissioner of Fish and Fisheries.—*Cong. Record, vol. 10, part 2, p. 1861, March 25, 1880.*

Volumes I and II, not being stereotyped, have not been reprinted.

That the Public Printer be, and he hereby is, instructed to print and stereotype, from time to time, the regular number of 1,900 copies of any matter furnished him by the United States Commissioner of Fish and Fisheries relative to new observations, discoveries, and applications connected with fish-culture and the fisheries, to be capable of being distributed in parts, and the

whole to form an annual volume or bulletin not exceeding five hundred pages. The edition of said annual work shall consist of 5,000 copies, of which 2,500 shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,500 for the use of the Commissioner of Fish and Fisheries.—*Sup. p.* 617, *Feb.* 14, 1881.

Vols. I and II, 1881 and 1882, have been published; Vol. III, 1883, now in press.

REPORTS OF THE TENTH CENSUS.

That the Reports of the Tenth Census of the United States be printed, and that 10,000 additional copies be printed, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 1,000 for the use of the Department of the Interior.

That, in addition to the above, 20,000 copies of the Report on Population be printed, of which 6,000 shall be for the use of the Senate, 12,000 for the use of the House of Representatives, and 2,000 for the use of the Department of the Interior.

That 20,000 additional copies of the Report on Agriculture be printed, of which 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House, and 2,000 copies for the use of the Department of the Interior.

That 10,000 additional copies of the Report on Manufactures and Mechanics be printed, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Department of the Interior.

Also, that 6,000 additional copies of the Report on the History of the National Loan be printed for the use of the Treasury Department.

Also, that 1,500 additional copies of the Report on Fish and Fisheries be printed for the use of the Fish Commission.

And, also, that the Compendium of the Tenth Census be printed, and that 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate, 60,000 copies for the use of the House, and 10,000 copies for the use of the Department of the Interior. And in order to avoid duplication in

the distribution of these documents, and to secure complete sets to libraries and other public institutions, the additional copies herein ordered, excepting those ordered for the Treasury Department and for the Fish Commission, be delivered to the document-rooms of the Department of the Interior.—22 *Stat. L. p.* 344, *Aug.* 7, 1882.

That the Public Printer is hereby authorized and directed to bind the Compendium of the Tenth Census in two volumes, of as nearly equal size as practicable, together with a complete index in each volume. The volumes of the Reports of the Tenth Census assigned to the House of Representatives shall be distributed upon the orders of the Representatives and Delegates of the Forty-seventh Congress, in accordance with “An act to provide for the publication of the Tenth Census,” approved August 7, 1882.—22 *Stat. L. p.* 637, *Feb.* 17, 1883.

EULOGIES.

That there be printed of the eulogies delivered in Congress upon the late Michael P. O'Connor, a member-elect to the Forty-seventh Congress from the State of South Carolina, 12,000 copies, of which 3,000 shall be for the use of the Senate and 9,000 for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Michael P. O'Connor to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of \$500, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated.—22 *Stat. L. p.* 379, *March* 15, 1882.

That there be printed 31,000 copies of the memorial address on the life and character of James A. Garfield, late President of the United States, delivered by the Hon. James G. Blaine before the two houses of Congress, with the proceedings on that occasion, of which 10,000 copies shall be for the use of the Senate, 20,000 copies shall be for the use of the House of Representatives, 500 copies shall be for the use of the Department of State, 250 copies shall be for the use of Mrs. Lucretia R. Gar-

field, and 250 copies shall be for the use of the Hon. James G. Blaine; and the Secretary of the Treasury be, and he is hereby, directed to have printed to accompany the same the memorial card prepared by the Bureau of Printing and Engraving.—*22 Stat. L. p. 383, June 7, 1882.*

That the sum of \$1,600 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to furnish the memorial cards to accompany the memorial address on the life and character of James A. Garfield, late President of the United States, ordered to be printed by joint resolution approved June 7, 1882.—*22 Stat. L. p. 389, July 31, 1882.*

That the sum of \$175, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray the expense of printing, at the Bureau of Engraving and Printing, memorial cards to accompany the additional numbers heretofore ordered of the memorial address on the late President Garfield.—*22 Stat. L. p. 391, Aug. 3, 1882.*

That there be printed 12,000 copies of the eulogies delivered in Congress upon the late Benjamin H. Hill, a Senator from the State of Georgia, of which 4,000 shall be for the use of the Senate, and 8,000 for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of said Benjamin H. Hill to accompany each copy of said eulogies; and for the purpose of defraying the expense of engraving and printing the said portrait, the sum of \$600, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.—*22 Stat. L. p. 637, Feb. 23, 1883.*

That there be printed of the eulogies delivered in Congress upon the late William M. Lowe, a member of the Forty-seventh Congress from the State of Alabama, 12,000 copies, of which 3,000 shall be for the use of the Senate, and 9,000 for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said William M. Lowe, to accompany said eulogies; and for the

purpose of engraving or printing said portrait, the sum of \$500, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.—22 *Stat. L. p.* 638, *Feb.* 23, 1883.

That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of Hon. Jonathan T. Updegraff, late a Representative from the State of Ohio, together with a portrait of the deceased; 9,000 copies thereof for the use of the House of Representatives and 3,000 copies for the use of the Senate. And a sum sufficient to defray the expense of preparing and printing the portrait of the deceased for the publication herein provided for is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.—22 *Stat. L. p.* 638, *Feb.* 23, 1883.

That there be printed of the eulogies delivered in Congress upon the late Godlove S. Orth, a member of the Forty-seventh Congress from the State of Indiana, 12,000 copies, of which 3,000 shall be for the use of the Senate, and 9,000 for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Godlove S. Orth to accompany said eulogies; and for the purpose of engraving or printing said portrait the sum of \$500, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.—22 *Stat. L. p.* 638, *Feb.* 24, 1883.

That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of Hon. Robert M. A. Hawk, late a Representative from the State of Illinois, together with a portrait of the deceased, 9,000 copies thereof for the use of the House of Representatives, and 3,000 copies for the use of the Senate. And a sum sufficient to defray the expense of preparing and printing the portrait of the deceased for the publication herein provided for is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.—22 *Stat. L. p.* 639, *Feb.* 24, 1883.

That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of Hon. John W. Shackelford, late a Representative from the State of North Carolina, together with a portrait of the deceased; 9,000 copies thereof for the use of the House of Representatives, and 3,000 copies for the use of the Senate. And a sum sufficient to defray the expense of preparing and printing the portrait of the deceased for the publication herein provided for is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.—22 *Stat. L. p.* 640, *March* 2, 1883.

AGRICULTURAL REPORT, 1881-1882.

That there be printed 300,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1881; 214,000 copies for the use of members of the House of Representatives, 56,000 for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture; and \$219,161.54, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry out this joint resolution.—22 *Stat. L. p.* 395, *Aug.* 8, 1882.

That the appropriation made by the joint resolution of Congress approved August 8, 1882 (22 Stats. 35395), providing for printing the Annual Report of the Commissioner of Agriculture for 1881, shall and may be used for the printing in one volume of the Reports of the Commissioner of Agriculture for the years 1881 and 1882.—22 *Stat. L. p.* 635, *Dec.* 12, 1882.

AGRICULTURAL REPORT, 1883.

That there be printed 300,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1883; 214,000 copies for the use of members of the House of Representatives, 56,000 for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture: *Provided*, That the Annual Report of the Commissioner of Agriculture, to be printed and bound for general distribution, shall not exceed 500 octavo pages, and the type shall be same as that heretofore used, and the sum of \$220,000, or so much thereof as may be necessary, is

hereby appropriated to defray the cost of publication.—22 *Stat. L. p.* 641, *March* 3, 1883.

INSECTS AFFECTING ORANGE TREES.

That there be printed 5,000 copies of a special report from the Department of Agriculture, on insects affecting the orange tree, with the necessary illustrations, 2,500 copies of which shall be for the use of the House of Representatives, 1,500 for the use of the Senate, and 1,000 for the use of the Department of Agriculture.—*Sen. Four. 1st sess. 47th Cong. pp.* 874, 923, *July* 6, 1882.

BIBLIOGRAPHY OF ECONOMIC ENTOMOLOGY.

That there be printed for the use of the Department of Agriculture, 1,000 copies of a special report entitled "Bibliography of Economic Entomology."—*Sen. Four. 1st sess. 47th Cong. pp.* 874, 924, *July* 6, 1882.

FORESTRY REPORT.

That there be printed 8,000 extra copies of the third annual report of the Commissioner of Forestry, transmitted to the House in May last by the Commissioner of Agriculture; 5,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the Commissioner of Forestry.—*Sen. Four. 2d sess. 47th Cong. pp.* 546, 548, *March* 3, 1883.

SORGHUM SUGAR.

That the report of the National Academy of Sciences on the sorghum sugar industry be printed, with such portions of the appendix and accompanying exhibits as may be selected by the Joint Committee on Public Printing; and that there be printed 6,500 additional copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of House of Representatives, 1,000 copies for the use of the Department of Agriculture, and 500 copies for the use of said National Academy of Sciences.—*Sen. Four. 2d sess. 47th Cong. pp.* 456, 534, *March* 3, 1883.

HUSBANDRY OF THE ANGORA GOAT.

That the Commissioner of Agriculture be, and hereby is, authorized and directed to employ Dr. John L. Hayes to prepare for publication his pamphlet upon the Husbandry of the Angora Goat and to have 10,000 copies of the same printed for distribution, 3,000 by the Senate and 7,000 by the House of Representatives.—22 *Stat. L. p.* 386, *July* 1, 1882.

To enable the Commissioner of Agriculture to pay Dr. John L. Hayes for preparing pamphlet on the Husbandry of the Angora Goat, in conformity with the provisions of the joint resolution approved July 1, 1882, \$500; and the said pamphlet shall be printed at the Government Printing Office and paid for out of the appropriation for the Department of Agriculture.—22 *Stat. L. p.* 337, *Aug.* 7, 1882.

REPORTS OF ENTOMOLOGICAL COMMISSION.

That there be printed at the Government Printing Office, with necessary illustrations, 30,000 copies of the third report of the United States Entomological Commission; 7,000 copies thereof for the use of the Senate, 20,907 for the use of the House, and 2,093 for the Interior Department.—*Cong. Record, vol.* 11, *part* 3, *pp.* 1801, 1965, *Feb.* 18, 1881.

That there be printed 10,000 additional copies of Bulletin No. 3 of the United States Entomological Commission on the Cotton Worm; 6,000 copies for the use of the House, 3,000 for the use of the Senate, and 1,000 for the use of the Department of the Interior.—*Sen. Four. 2d sess. 46th Cong. p.* 192, *Feb.* 12, 1880; *Ib. p.* 360, *March* 22, 1880.

That there be printed for the use of the Department of Agriculture, with necessary illustrations, 2,000 copies of the fifth report of the United States Entomological Commission, being a special report on the insects affecting forest trees.—*Sen. Four. 1st sess. 47th Cong. pp.* 874, 924, *July* 6, 1882.

OPINIONS OF ATTORNEYS-GENERAL.

The Attorney-General shall from time to time cause to be edited, and printed at the Government Printing Office, an edition

of 1,000 copies of such of the opinions of the law-officers herein authorized to be given as he may deem valuable for preservation in volumes, which shall be, as to size, quality of paper, printing, and binding, of uniform style and appearance, as nearly as practicable, with volume VIII of such Opinions, published by Robert Farnham, in the year 1868. Each volume shall contain proper head-notes, a complete and full index, and such foot-notes as the Attorney-General may approve. Such volumes shall be distributed in such manner as the Attorney-General may from time to time prescribe.—*R. S.* 383.

Vols. I to XVI have been printed; Vols. IX to XVI were printed at the Government Printing Office.

DIGEST OF OPINIONS OF ATTORNEYS-GENERAL.

To enable the Attorney-General to employ a competent person to prepare for publication and superintend the printing of a full and complete digest of the opinions of the Attorneys-General contained in volumes I to XVI, inclusive, \$1,000, which sum shall be expended under the direction of the Attorney-General; and an edition of 1,000 copies is authorized to be printed at the Government Printing Office.—*21 Stat. L. p.* 236, *June* 15, 1880.

NAUTICAL ALMANAC.

That there shall be printed annually at the Government Printing Office 1,500 copies of the American Ephemeris and Nautical Almanac and of the papers supplementary thereto; of which 100 shall be for the use of the Senate, 400 for the House of Representatives, and 1,000 for the public service, to be distributed by the Navy Department.

SEC. 2. That additional copies of the Ephemeris and of the Nautical Almanac extracted therefrom may be ordered by the Secretary of the Navy for sale: *Provided*, That all moneys received from such sale shall be deposited in the Treasury to the credit of the appropriation for public printing.—*Sup. p.* 573, *Feb.* 11, 1880.

ACTS OF CONTINENTAL CONGRESS.

That there be printed at the Government Printing Office, for the use of Congress, 5,000 copies of the resolves, ordinances, and

acts of the Continental Congress and the Congress of the Confederation of the United States; 1,500 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 500 copies for the use of the Executive Departments.

SEC. 2. That said resolves, ordinances, and acts shall be taken from the journals and printed with a proper index, under the supervision of the Librarian of Congress.

SEC. 3. That the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of making such work and index; the same to be disbursed under the direction of the Joint Committee on the Library.—19 *Stat. L. p.* 406, *March 3, 1877.*

CATALOGUE OF LIBRARY OF SURGEON-GENERAL'S OFFICE.

For printing and binding the first and second volumes of the Catalogue of the Surgeon-General's Office. * * *—20 *Stat. L. p.* 390, *March 3, 1879.*

For printing and binding the first and second volumes of the Catalogue of the Library of the Surgeon-General's Office. * * *—21 *Stat. L. p.* 270, *June 16, 1880.*

For printing and binding the third volume of the Catalogue of the Library of the Surgeon-General's Office. * * *—21 *Stat. L. p.* 447, *March 3, 1881.*

For printing and binding * * * for the War Department, * * * of which sum \$12,000 shall be for the Catalogue of the Library of the Surgeon-General's Office. * * *—22 *Stat. L. p.* 334, *Aug. 7, 1882.*

For printing and binding * * * for the War Department, \$170,000, of which sum \$12,000 shall be for the Catalogue of the Library of the Surgeon-General's Office. * * *—22 *Stat. L. p.* 629, *March 3, 1883.*

Volumes I, II, and III, have been published; Volume IV is now in press.

CATALOGUE OF LIBRARY OF CONGRESS.

For binding the arrears of books, newspapers, and other periodicals belonging to the Library of Congress, and for printing

the new general catalogue, being a deficiency for the fiscal year 1878, \$20,000.—20 *Stat. L. p. 8, Dec. 15, 1877.*

That the sum of \$13,000, being the unexpended balance of the sum appropriated by act approved December 15, 1877, for printing and binding for the Library of Congress, be, and the same is hereby, reappropriated, and may be expended for completing the new general catalogue of the Library now in progress.—20 *Stat. L. p. 207, June 20, 1878.*

CATALOGUE OF GOVERNMENT PUBLICATIONS.

That there be prepared and published, under the direction of the Joint Committee on Printing, a classified, analytical, and descriptive catalogue of all publications made by the authority of the Government of the United States and the preceding Government of the Colonies, and all Departments, bureaus, and offices thereof, from July 4, 1776, to March 4, 1881; and upon the request of the said Joint Committee, the officers of the Senate and House of Representatives, and the heads of all the Executive Departments and of all the bureaus and offices thereof, shall furnish to said Joint Committee all such information and assistance in reference to said publications as will facilitate or assist in the completion of said work; and the sum of \$10,000 is hereby appropriated for the purposes of this act, which sum may be expended as additional pay or compensation to any officer or employé of the United States.—22 *Stat. L. p. 176, July 27, 1881.*

COLONIAL CHARTERS AND STATE CONSTITUTIONS.

That there be printed and bound 5,000 copies of the Colonial Charters and Constitutions of the United States, compiled under the direction of the Senate, of which 900 copies shall be for the use of Senators and the Vice-President, and 2,500 copies shall be for the use of Representatives and Delegates, and the remaining one thousand six hundred copies shall be distributed by the Public Printer as follows: To the President of the United States, 2 copies; to the Department of State, 50 copies, for transmission to United States legations and consulates-general abroad; to the Library of Congress, for exchanges, 445 copies; to the War

Department, 1 copy, for the Military Academy at West Point; to the Navy Department, 1 copy, for the Naval Academy at Annapolis; to the Department of Justice, 100 copies for the use of that Department, the Chief Justice and Justices of the Supreme Court of the United States, the judges of the circuit and district courts of the United States, the Court of Claims, the Assistant Attorney-General, and the Solicitor-General, and to the Smithsonian Institution, 1 copy; and 1,000 copies for sale by the Public Printer at the cost of printing and binding, under such regulations as he may prescribe, under the direction of the Joint Committee on Printing.—*House Jour. p. 1234, 2d sess. 45th Cong. June 6, 1878.*

EXECUTIVE DEPARTMENTS AT CENTENNIAL.

That there be printed and bound, in continuation of the series of volumes heretofore published by Congress under joint resolution of June 20, 1879, containing the final report of the United States Centennial Commission on the International Exhibition of 1876, and uniform therewith, 5,000 copies of the report of the Board on behalf of the United States Executive Departments at said Exhibition, being the report which was submitted to Congress by the President of the United States, by special message of February 9, 1877, and again in his annual message of December 3, 1877; of which number 3,000 copies shall be for the House, 1,000 copies for the Senate, 200 copies for the Smithsonian Institution for distribution to such foreign Governments and others as made contributions from such exhibition to the National Museum, 300 copies for the late members of said Board, and 500 copies for distribution by the late president of the Centennial Commission; the printing to be done by the Public Printer, under the supervision of the late chairman of said Board, upon whose order may be allowed by the Public Printer to the late secretary of the Board not exceeding \$300 for services to be performed and incidental expenses to be incurred in connection therewith: *Provided*, That the photographic views of the Government exhibit accompanying the manuscript report shall not be printed or reproduced for the publication herein authorized.—22 *Stat. L. p. 640, March 3, 1883.*

REPORT OF SMITHSONIAN INSTITUTION, 1881.

That 15,560 copies of the Report of the Smithsonian Institution for the year 1881 be printed, 2,500 copies of which shall be for the use of the Senate, 6,060 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.—*Sen. Four. 1st sess. 47th Cong. pp. 424, 854, June 20, 1882.*

REPORT OF SMITHSONIAN INSTITUTION, 1882.

That 15,560 copies of the Report of the Smithsonian Institution for the year 1882 be printed; 2,500 copies of which shall be for the use of the Senate, 6,060 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.—*Sen. Four. 2d sess. 47th Cong. pp. 373, 457, March 2, 1883.*

Annual Reports from 1846 to 1880 have been published. Report for 1881 is in press.

SECOND AND THIRD ANNUAL REPORTS, BUREAU OF ETHNOLOGY.

That there be printed at the Government Printing Office 15,000 copies each of the Second and Third Annual Reports of the Director of the Bureau of Ethnology of the Smithsonian Institution, with the necessary illustrations; 7,272 copies of which shall be for the use of the House of Representatives, 3,000 copies for the use of the Senate, and 4,728 for distribution by the Bureau of Ethnology.—*Cong. Record, vol. 11, part 3, p. 1827, Feb. 19, 1881.*

Publication of Bureau of Ethnology.

First Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1879-'80, by J. W. Powell, Director. Published.

REPORT OF COMMISSIONER OF EDUCATION, 1881.

That of the Report of the Commissioner of Education for 1881 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 12,000 copies for distribution by the Commissioner.—*Cong. Record, vol. 14, part 4, pp. 3567, 3631, 3681, 3702, 3773, March 3, 1883.*

REPORT OF CHIEF SIGNAL-OFFICER, 1881.

That there be printed and bound, for the use of the Signal Office of the Department of War, 10,000 copies of the annual report of the Chief Signal Officer for 1881.—*Sen. Four. 1st sess. 47th Cong. pp. 903, 926, 1034, 1063; House Four. p. 1799, Aug. 2, 1882.*

REPORT OF COAST AND GEODETIC SURVEY.

For publishing observations of the Coast and Geodetic Survey: For continuing the publication of observations, and their discussions, made in the progress of the Coast and Geodetic Survey, including compensation of civilians engaged in the work, the publication to be made at the Government Printing Office.
* * *—22 *Stat. L. p. 610, March 3, 1883.*

That there be printed 3,000 extra copies of the report of Julius E. Hilgard, Superintendent of the Coast and Geodetic Survey, showing the progress made in said Survey during the year ending June 30, 1881, for distribution by said Superintendent.—*Sen. Four. 1st. sess. 47th Cong. p. 329, Feb. 20, 1882; Ib. p. 859, June 21, 1882.*

That the report of the Superintendent of the Coast and Geodetic Survey for 1881-'82 be printed, and that 3,000 additional copies be printed for the use of the Superintendent of the Coast Survey; the engraving to be given out by contract, under existing laws, and executed and printed to the satisfaction of the Public Printer and the Superintendent of the Coast and Geodetic Survey.—*Sen. Four. 2d sess. 47th Cong. pp. 214, 309, Feb. 9, 1883.*

CONSULAR REPORTS.

That the sum * * * be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for printing and distributing more frequently the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce. * * *
Provided, That such publications may be sold at such rates as

may be fixed by said Department, and the proceeds of all sales to be paid into the Treasury.—21 *Stat. L. p.* 271, *June* 16, 1880.

For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, \$20,000.—22 *Stat. L. p.* 430, *Feb.* 26, 1883.

REPORT OF HEALTH OFFICER OF THE DISTRICT OF COLUMBIA.

That the Public Printer be, and is hereby, authorized to print 2,500 extra copies of the report of the health officer of the District of Columbia; 100 for the use of the Senate, 300 for the use of the House of Representatives, and 2,100 for the use of the said health officer of the District of Columbia.—22 *Stat. L. p.* 643, *March* 3, 1883.

CODIFIED LAND LAWS, ETC.

That 8,500 additional copies of the codified land laws and history of the public domain of the United States, compiled and prepared by the Public Land Commission, embraced in House Executive Document No. 47, with all subsequent laws which may have been passed by Congress prior to the adjournment of the present session, be printed and bound, under the direction of the Secretary of the Interior; 2,000 copies for the use of the Senate, 5,000 for the use of the House of Representatives, and 1,500 for the use of the Secretary of the Interior: *Provided*, That the copies for the use of the Senate and the House of Representatives shall be distributed by the Secretary of the Interior in the manner provided for the distribution of the Reports of the Tenth Census; and that all copies not ordered to be distributed within two years after the passage of this act shall be sold by the Secretary of the Interior at cost of publication with 10 per cent. added thereto.—22 *Stat. L. p.* 393, *Aug.* 7, 1882.

DIGEST OF CONTESTED-ELECTION CASES.

That there be printed and bound, for the use of the Senate and House, the usual number of copies of the digest of contested-election cases of the Forty-fifth and Forty-sixth Congresses, to-

gether with a full index of the same, to be prepared by the clerk of the Committee on Elections. * * *—22 *Stat. L. p.* 395, *Aug. 8, 1882.*

That there be printed and bound, for the use of the House, the usual number of copies of the digest of contested-election cases, together with an index of the same, to be prepared by the clerk of the Committee on Elections. * * *—22 *Stat. L. p.* 593, *March 3, 1883.*

PRINTING FOR NATIONAL BOARD OF HEALTH.

That the necessary printing of the National Board of Health be done at the Government Printing Office, upon the requisition of the secretary of the Board, in the same manner and subject to the same provisions as other public printing for the several Departments of the Government: *Provided*, That the cost of said printing shall not exceed the sum of \$10,000 per annum.—21 *Stat. L. p.* 47, *July 1, 1879.*

TRANSIT OF VENUS.

That the Report on the Observations of the Transit of Venus, made under the direction of the Navy Department in December, 1874, be printed for the use of the Senate.—*Sen. Four. 1st sess. 46th Cong. pp.* 77, 78, *April 14, 1879.*

That 250 additional copies of the Observations of the Transit of Venus, made under the direction of the Navy Department in December, 1874, be printed for the use of the Naval Observatory.—*House Four. 1st sess. 46th Cong. pp.* 487, *June 12, 1879; Ib. p.* 536, *June 20, 1879.*

Observations Transit of Venus, 1874, will be published in four parts.

Part I has been published [S. Ex. 31, 46th Cong. 1st sess.]; Part II is in press.

PRINTING FOR SOCIETIES OF THE RED CROSS.

That the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State in the printing and publication of neces-

sary information concerning the Societies of the Red Cross for the amelioration of the sufferings of soldiers in time of war and the recent accession of the United States to the Geneva convention for the organization of said societies, and giving a brier history of such organizations and the results thereof.—22 *Stat. L. p.* 391, *Aug.* 3, 1882.

LIEUTENANT SULLIVAN'S REPORT.

That the report by Lieut. John T. Sullivan, U. S. N., on the problem of interoceanic communication by way of the American Isthmus, be printed, with 5,000 additional copies; of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the use of the Navy Department.—*Sen. Four. 1st sess. 47th Cong., July* 1, 1882, *pp.* 903, 926; *Ib. 2d sess. 47th Cong. p.* 308.

REPORT OF THE DIRECTOR OF THE MINT.

That 9,000 copies of the Report of the Director of the Mint on the annual production of Gold and Silver in the United States be printed; 4,000 copies for the use of the House, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.—*Sen. Four. 2d sess. 47th Cong. pp.* 422, 457, *March* 2, 1883.

EDUCATION AND LABOR.

That the Committee on Education and Labor may have printed for its use testimony taken and to be taken by it under the resolution of the Senate of August 7, 1882.—*Sen. Four. 2d sess. 47th Cong. p.* 419, *Feb.* 26, 1882.

FLAGS OF MARITIME NATIONS.

That there be printed from the plates now in the possession of the Bureau of Navigation, Navy Department, 3,000 copies of the "Flags of Maritime Nations"; of which 800 copies shall be for the use of the Senate, 1,200 copies for the use of the House of Representatives, and 1,000 copies for the use of the Navy Department, to be used on board of vessels of the Navy and for

sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes.—*Sen. Jour. 1st sess. 47th Cong. pp. 798, 1037, July 28, 1882.*

QUESTIONS OF ORDER.

That the Journal Clerk be directed to compile for the use of the House all questions of order raised and decided in the Committee of the Whole House on the state of the Union on general appropriation and revenue bills from the Fortieth to the Forty-sixth Congresses, inclusive, and the necessary expense incurred for copying and indexing the same shall be paid out of the contingent fund of the House, subject to the approval of the Committee on Accounts.—*House Jour. 1st sess. 47th Cong. p. 647, Feb. 23, 1882.*

That all questions of order decided in the Committee of the Whole House on the state of the Union on general appropriation and revenue bills, compiled by the Journal Clerk under the resolution of May 5 [February 23], be printed, under the direction of the Journal Clerk, for the use of the House.—*House Jour. 1st sess. 47th Cong. p. 1846, Aug. 7, 1882.*

MANUAL FOR ARMY COOKS.

Manual for Army cooks.—*22 Stat. L. p. 119, June 30, 1882.*

DUPLICATE SETS OF BILLS.

That the Doorkeeper be, and is hereby, instructed to arrange so many sets of bills and resolutions of the Senate and House of Representatives as the files in the document-rooms will furnish: *Provided*, That not exceeding ten sets shall be arranged for any session; and when so arranged the Public Printer is hereby authorized and directed to bind the same. Two sets shall be deposited in the document-room and the balance in the library of the House of Representatives, and no person shall be allowed to take them therefrom.—*House Jour. 2d sess. 46th Cong. p. 399, Feb. 4, 1880.*

That the Public Printer be, and he hereby is, authorized and directed to bind duplicate sets of bills and resolutions of the Sen-

ate and House of Representatives of the Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses, said bills and resolutions to be furnished him from the files of the Senate document-room, and the volumes when bound to be kept there for reference.—*Sen. Four. 2d sess, 47th Cong. p. 390, Feb. 22, 1880; Ib. p. 396, Feb. 23, 1883.*

CONGRESSIONAL GLOBE.

That the sum of \$100,000 is hereby appropriated to purchase, of the present owners and proprietors, the following property, to wit: 25,000 bound volumes of the Congressional Globe, 40,000 unbound volumes of the Congressional Globe, 46,000 metal plates for printing the Congressional Globe, 24,000 composition plates for printing the Congressional Globe, the two-story fire-proof brick building situate in the rear of the Globe building on Pennsylvania avenue, and the copyright for the complete work: *Provided*, That the Public Printer, the Secretary of the Senate, and the Clerk of the House of Representatives shall examine the said property, and shall certify to the Secretary of the Treasury that it is in good order and in accordance with the schedule submitted, before any of said money shall be paid: *And provided further*, That said property, when purchased by the United States, shall be placed in the custody of the Public Printer, under the direction of the Joint Committee on Public Printing; and that the title to said property shall be approved by the Attorney-General.—20 *Stat. L. p. 207, June 20, 1878.*

VOLUNTEER ARMY REGISTER.

That the Secretary of War be, and he is hereby, authorized and required, in connection with the Army Register for the year 1864, to cause to be printed and published a full roster or roll of all field, line, and staff officers of volunteers who have been in the Army of the United States since the beginning of the present rebellion, showing whether they are yet in the service or have been discharged therefrom, and giving casualties and other explanations proper for such Register. And to defray, in whole or in part, the expenses of this publication an edition of 50,000 copies of such enlarged Register shall be published, and may be sold

to officers, soldiers, or citizens, at a price which shall not more than cover the actual cost of paper, printing, and binding, and shall not in any case exceed \$1 per volume.—13 *Stat. L. p.* 412, *June 30, 1864.*

That the Secretary of War be, and he is hereby, authorized and required to cause to be printed and published a full roster or roll of all general, field, line, and staff officers of volunteers who have been in the Army of the United States at any time since the beginning of the present rebellion, including all informal organizations which have been recognized or accepted and paid by the United States, showing whether they are yet in the service or have been discharged therefrom, and giving casualties and other explanations proper for such Register. And to defray in whole or in part the expenses of this publication, an edition of 25,000 copies of such enlarged Register shall be published and may be sold to officers, soldiers, or citizens at a price which shall not more than cover the actual cost of paper, printing, and binding, and shall not in any case exceed \$1 per volume.—13 *Stat. L. p.* 570, *March 2, 1865.*

An edition of 5,000 copies of the first four volumes was printed, but finding very little demand for the work the edition of the residue of the volumes was reduced to 1,000 copies.

NARRATIVE OF THE POLARIS EXPEDITION.

That whenever the Public Printer shall have received a sufficient number of orders for copies of the narrative of the Polaris Expedition, accompanied by the cost price thereof with .10 per cent. additional, to warrant in his opinion the expense of putting the plates to press, he shall cause an edition thereof to be published: *Provided, however,* That the number of copies thus at any time printed, shall not exceed the number ordered and paid for in advance of such publication.—*Cong. Record, vol. 10, part 1, p.* 502, *Jan. 23, 1880.*

HALL'S SECOND ARCTIC EXPEDITION.

That there be printed 5,000 additional copies of the Narrative of Hall's Second Arctic Expedition; of which 1,200 copies shall

be for the use of the Senate, 2,400 copies for the use of the House of Representatives, 150 copies for the use of the Navy Department, 250 copies for the use of the Naval Observatory, and 1,000 copies to be sold by the Public Printer, under the direction of the Joint Committee on Printing, at the cost of printing and binding, with an addition of 10 per cent.—*Cong. Record* vol. 8, part 1, pp. 1512, 2388, Jan. 17, 1879.

ACTS RELATING TO PUBLIC PRINTING.

That the Committee on Printing have compiled the acts, resolutions, and rules of the two houses of Congress relating to the public printing, to engraving, and to the distribution of public documents, and that 500 copies of the same be printed, with 500 additional copies for the use of the Committee on Printing.—*Cong. Record*, vol. 13, part 7, p. 6760, Aug. 2, 1882.

THE GOVERNMENT PRINTING OFFICE BUILDING.

That the Superintendent of Public Printing be, and is hereby, authorized and directed to have executed the printing and binding authorized by the Senate and House of Representatives, the Executive and Judicial Departments, and the Court of Claims. And to enable him to carry out the provisions of this act, he is authorized and directed to contract for the erection or purchase of the necessary buildings, machinery, and materials for that purpose; said contract to be subject to the approval of the Joint Committee on Printing of the two Houses of Congress: *Provided*, That the sum so contracted to be paid shall not exceed \$150,000.—12 *Stat. L. p.* 117, June 23, 1860.

To enable the Superintendent of the Public Printing to carry into effect the provisions of the joint resolution in relation to the public printing, approved June 23, 1860, \$125,000 be, and the

same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That no part of this appropriation shall be expended until the title to the property purchased shall have been examined and approved by the Attorney-General of the United States.—12 *Stat. L. p. 132, Feb. 19, 1861.*

For addition to the Public Printing Office and the necessary presses, machinery, and fixtures, \$61,000; so much thereof to be expended under the direction of the Secretary of the Interior as may be necessary for the erection of said addition.—13 *Stat. L. p. 447, March 2, 1865.*

For the extension of the Government Printing Office building, upon the plans prepared by the Architect of the Capitol extension, including the cost of hoisting-works, said appropriation to be available during the present fiscal year, \$45,000; and any expenditure on a plan that shall cost a greater sum to complete it shall be deemed unlawful.—16 *Stat. L. p. 301, March 3, 1871.*

For fire-proof extension of the Government Printing Office building, upon plans approved by the Architect of the Capitol, and the work to be done under his direction, including heating apparatus and plumbing, said appropriation to be available during the present fiscal year, \$43,800; and any expenditure on a plan that shall cost a greater sum to complete it shall be deemed unlawful.—20 *Stat. L. p. 399, March 3, 1879.*

For fire-proof extension of the Government Printing Office building, and a stable, including heating apparatus and plumbing, to be erected on property now belonging to the Government, upon plans approved by the Architect of the Capitol, \$40,000, the work to be done under his direction; said appropriation to be available during the present fiscal year; and any expenditure on a plan that shall cost a greater sum to complete it shall be deemed unlawful.—21 *Stat. L. p. 436, March 3, 1881.*

That lot subdivision 55, in square 624, fronting on H street, in the city of Washington, adjoining the lands on which the Government Printing Office building is situated, shall be purchased for the use of the United States; and it shall be the duty of the Secretary of the Interior to purchase said lot, the value thereof to be

paid to the owner, out of any money in the Treasury not otherwise appropriated, on the requisition of the said Secretary of the Interior: *Provided*, That before such payment shall be made, the owner of said lot shall, by a good and sufficient deed in fee-simple, to be approved by the Attorney-General of the United States, convey the said lot to the United States for the purpose aforesaid. That to ascertain the value of said lot, it shall be the duty of the Secretary of the Interior to make application to the supreme court of the District of Columbia, by petition containing a particular description thereof by metes and bounds, with the name of the owner and his residence; and the said court is hereby authorized and required, upon such application, in such mode and under such rules and regulations as it may adopt, after notice to the owner of said lot by summons, to appoint three commissioners, freeholders of the District of Columbia, acquainted with the value of real estate in Washington City, to make, under oath, a just and equitable appraisement of the cash value of said lot and the improvements thereon; and the Secretary of the Interior is authorized and required to pay to the owner of said lot the amount specified in the appraisement so made, or he may deposit said amount for said owner with the court in payment thereof. The said court may direct the time possession of the said lot so condemned may be taken, and may, if necessary, enforce any order or issue any process necessary to give such possession. The cost occasioned by the appraisement and purchase shall be taxed and paid as the court may direct.—21 *Stat. L. p. 279, June 16, 1880.*

FIRE-ESCAPES, ETC.

For the construction of outside fire-escape ladders for the Government Printing Office, \$3,000.—20 *Stat. L. p. 207, June 20, 1878.*

For the purchase of portable fire-extinguishers, \$1,000, after competitive test of such apparatus as may be presented by the agents or owners thereof.—20 *Stat. L. p. 399, March 3, 1879.*

For the erection of suitable fire-escapes and stand-pipes and other facilities for extinguishing fire in the Government Printing Office and the Government Hospital for the Insane, \$10,000, or

so much thereof as may be necessary, to be expended under the direction of the Architect of the Treasury, General M. C. Meigs, and the Architect of the Capitol.—22 *Stat. L. p. 331, Aug. 7, 1882.*

REMOVAL OF CERTAIN MATERIAL.

That the Public Printer be, and he hereby is, directed to remove forthwith from the Government Printing Office so much of the property of the United States in the upper stories thereof as shall, in his opinion, and in the opinion of the Architect of the Capitol, render said building entirely safe for the persons employed therein.

SEC. 2. That the Public Printer be, and he hereby is, authorized and required to procure suitable storage room, as near said building as practicable, for the temporary storage of the property of the Government so to be removed from said building; and the sum of \$5,000, or so much thereof as shall be necessary, is hereby appropriated for the purposes aforesaid.—22 *Stat. L. p. 637, Feb. 6, 1883.*

WATER-MAINS.

For laying twelve-inch water-mains, with proper fire-plugs and connections, for the proper protection of the Government Printing Office, \$5,600, of which the United States shall pay one-half, and \$2,800 is hereby appropriated for this purpose.—22 *Stat. L. p. 143, July 1, 1882.*

For completing the laying of twelve-inch water-mains, with proper fire-plugs and connections for the proper protection of the Government Printing Office, \$3,500, of which the United States shall pay one-half, and \$1,750 is hereby appropriated for this purpose.—22 *Stat. L. p. 470, March 3, 1883.*

GOVERNMENT TELEGRAPH LINE.

That the lines of the telegraph connecting the Capitol with the various Departments in Washington, constructed under and by virtue of the act of Congress approved March 3, 1873, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and

for other purposes," be, and the same are hereby, placed under the supervision of the officer in charge of the public buildings and grounds; and that the said officer be authorized and empowered to make rules and regulations for the working of said lines. And the Secretary or head of each Executive Department, and the Congressional Printer, are hereby authorized to detail one person from their present force of employes to operate the instruments in said Departments and Printing Office, and each House of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding \$100 per month, during the sessions of Congress.—18 *Stat. L. part 3, p. 14, Feb. 4, 1874.*

That said lines of telegraph shall be for the use only of Senators, Members of Congress, judges of the United States courts, and officers of Congress and of the Executive Departments, and solely on public business.—18 *Stat. L. part 3, p. 20, March 7, 1874.*

TELEPHONE LINE.

To enable the Public Printer to pay for the telephonic wire connecting the Capitol with the Government Printing Office, and for the rent of the telephones, \$150, or so much of the same as may be necessary.—20 *Stat. L. p. 207, June 20, 1878.*

BUILDING IN REAR OF GLOBE OFFICE.

That the sum of * * * is hereby appropriated to purchase of the present owners and proprietors the following property, to wit: * * * the two-story fire-proof brick building situate in the rear of the Globe building on Pennsylvania avenue, * * * *And provided further,* That said property, when purchased by the United States, shall be placed in the custody of the Public Printer, under the direction of the Joint Committee on Public Printing; and that the title to said property shall be approved by the Attorney-General.—20 *Stat. L. p. 207, June 20, 1878.*

MISCELLANEOUS.

THE PUBLIC PRINTING AND BINDING.

There shall be a Joint Committee on Public Printing, consisting of three members of the Senate, appointed by the President of the Senate, and three members of the House of Representatives, appointed by the Speaker of the House, who shall have the powers hereinafter stated.—*R. S. 3756.*

The Joint Committee on Public Printing shall have power to adopt such measures as may be necessary to remedy any neglect or delay in the execution of the public printing, but no arrangement entered into by them shall take effect until it has been approved by that House of Congress to which the printing belongs, or by both Houses when the printing delayed relates to the business of both.—*R. S. 3757.*

The Joint Committee on Public Printing shall appoint a competent person, who shall edit such portion of the documents accompanying the annual reports of the Departments as they may deem suitable for proper distribution, and prepare an alphabetical index thereto.—*R. S. 75.*

A Congressional Directory shall be compiled at each session of Congress, under the direction of the Joint Committee on Public Printing, and the first edition for each session shall be ready for distribution within one week after the commencement thereof.—*R. S. 77.*

Until a contract for publishing the debates of Congress is made, such debates shall be printed by the Congressional Printer, under the direction of the Joint Committee on Public Printing on the part of the Senate and of the House of Representatives.—*R. S. 78; Sup. p. 3, Jan. 22, 1874.*

That the Joint Committee on Printing be, and they are hereby, authorized and directed to make the necessary provisions and arrangements for hereafter issuing the index of the Congressional Record semi-monthly during the sessions of Congress, beginning

with next ensuing session. That the Public Printer be, and he is hereby, directed to print and distribute the same number of copies of said semi-monthly index as he prints and distributes of the daily issue of the Record, and to the same persons and in the same manner. That the Public Printer shall employ such person to prepare said index as shall be designated by the Joint Committee on Printing, who shall also fix and regulate the compensation to be paid by the Public Printer for the said work and direct the form and manner of its publication: *Provided, however,* That the compensation allowed for preparing said semi-monthly index, including their compilation into a session index, shall not exceed the average total amount now allowed by the Joint Committee on Printing for compiling the session index.—*Sup. p. 617, Feb. 8, 1881.*

All motions to print extra copies of any bill, report, or other public document, shall be referred to the Committee on Printing of the House in which such motion is made.—*R. S. 3793.*

The House first ordering a document to be printed shall immediately notify the other House of such order.—*R. S. 3794.*

All propositions in either House of Congress for printing extra copies of documents, the cost of which exceeds \$500, shall be by concurrent resolution, which shall, upon its transmission from either House, be immediately referred to the Committee on Printing of the House to which it was sent.—*R. S. 3795.*

The Secretary of the Senate and the Clerk of the House of Representatives shall, as soon as may be after the close of each session of Congress, prepare and publish a statement of all appropriations made during the session, a statement of the new offices created and the salaries attached to each, and a statement of the offices the salaries attached to which are increased and the amount of such increase.—*R. S. 64.*

No officer in charge of any bureau or office in any Department shall cause to be printed, at the public expense, any report he may make to the President or to the head of the Department, except as provided for in this title.—*R. S. 3788.*

The head of each Department, except the Department of Justice, shall furnish to the Congressional Printer copies of the doc-

uments usually accompanying his annual report on or before the first day of November in each year, and a copy of his annual report on or before the third Monday of November in each year.—*R. S.* 196.

The Secretary of State shall furnish to the Congressional Printer a correct copy of every act and joint resolution, as soon as possible after its approval by the President, or after it has become a law in accordance with the Constitution without such approval; also of every treaty between the United States and any foreign Government as soon as possible after it has been duly ratified and has been proclaimed by the President; and also of every postal convention made between the Postmaster-General, and by and with the advice and consent of the President, on the part of the United States and foreign countries, as soon as possible after copies of such conventions have been transmitted to him by the Postmaster-General.—*R. S.* 210.

The Secretary of State shall furnish the Congressional Printer with a correct copy of every act and joint resolution as soon as possible after its approval by the President of the United States, or after it shall have become a law in accordance with the Constitution without such approval, and also of every treaty between the United States and any foreign Government after it shall have been duly ratified and proclaimed by the President, and of every postal convention made between the Postmaster-General, by and with the advice and consent of the President, on the part of the United States, and equivalent officers of foreign Governments on the part of their respective countries.—*R. S.* 3803.

The Postmaster-General shall transmit a copy of every postal convention to the Secretary of State for the purpose of being printed, and the printed copy thereof shall be revised by the Post-Office Department instead of by the Secretary of State.—*R. S.* 3804.

The Postmaster-General shall make the following annual reports to Congress: First. A report of all contracts for carrying the mail made within the preceding year. * * * Second. A report of all land and water mails established or ordered within the preceding year, other than those let to contract at the

annual letting. * * * Third. A report of all allowances made to contractors within the preceding year above the sums originally stipulated in their respective contracts and the reasons for the same, and of all orders made whereby additional expense is incurred on any route beyond the original contract price. * * * Fourth. A report of all curtailments or expenses effected within the preceding year. * * * Fifth. A report of the finances of the Department for the preceding year. * * * Sixth. A report of the fines imposed on and the deductions from the pay of contractors, made during the preceding year. * * * Seventh. A copy of each contract for carrying the mail between the United States and foreign countries. * * * Eighth. A report showing all contracts which have been made by the department other than for carrying the mail. * * * Ninth. A report on the postal business and agencies in foreign countries. Tenth. A report of the amount expended in the Department for the preceding fiscal year. * * * And the Postmaster-General shall cause all of such reports to be printed at the Public Printing Office, either together or separately, and in such numbers as may be required by the exigencies of the service or by law. * * *—*R. S.* 413.

The annual report of the Postmaster-General of offers received and contracts for conveying the mail shall not be printed, unless specially ordered by either House of Congress.—*R. S.* 3797.

That the annual reports of the Auditor of the Treasury for the Post-Office Department to the Postmaster-General shall show the financial condition of the Post-Office Department at the close of each fiscal year, and be made a part of the Postmaster-General's annual report to Congress for that fiscal year.—*Sup. p.* 224, *July* 12, 1876.

The Postmaster-General may pay out of the proceeds of the money-order business the cost of stationery and such incidental expenses as are necessary for the transaction of that business.—*R. S.* 4048.

All blanks, blank books, and printed or engraved matter supplied to postmasters by the Postmaster-General or used in his Department for the transaction of the money-order business shall

be obtained from the lowest responsible bidders for furnishing printed and engraved matter, respectively, under separate advertisements calling for proposals to furnish the same for a period of four years, upon such conditions as the Postmaster-General may prescribe: *Provided*, That the Public Printer and the Chief of the Bureau of Engraving and Printing of the Treasury Department shall submit, respectively, estimates of the cost of furnishing such printed and engraved matter as may be required for use in the money-order business, and they shall furnish such printed and engraved matter whenever upon their estimates of cost the expenditure therefor will be less than upon proposals made as above provided for.—22 *Stat. L. p.* 527, *March* 3, 1883.

The Secretary of the Treasury shall furnish a condensed statement of the aggregate amount of the exports to and imports from foreign countries to the Congressional Printer on or before the first day of November of each year.—*R. S.* 3812.

The Secretary of the Treasury shall cause the annual report of the statistics of commerce and navigation, required from the Chief of the Bureau of Statistics, to be prepared and printed according to law, and to be submitted to Congress at as early a day in each regular session as practicable, and not later than the first Monday in January.—*R. S.* 263.

The Secretary of the Treasury shall furnish to the Congressional Printer, on or before the first day of November of each year, the manuscript, prepared for printing, of a condensed statement of the aggregate amount of the exports and imports from foreign countries during the preceding fiscal year.—*R. S.* 265.

The Chief of the Bureau of Statistics shall, under the direction of the Secretary of the Treasury, prepare and publish monthly reports of the exports and imports of the United States, including the quantities and value of goods warehoused or withdrawn from warehouse, and such other statistics relative to the trade and industry of the country as the Secretary of the Treasury may consider expedient.—*R. S.* 339.

It shall be the duty of the officer in charge of the Bureau of Statistics to gather, collate, and annually report to the Secretary of the Treasury, for transmission to Congress, statistics and facts

relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freight and passengers, and the tonnage transported; and the reports now by law required to be prepared and published monthly in the said Bureau of Statistics shall hereafter be prepared and published quarterly, under the direction of the Secretary of the Treasury.—*Sup. p.* 155, *March* 3, 1875.

Registered bonds and written records may be bound at the Treasury Department.—*R. S.* 3787.

The Secretary of the Interior is charged with receiving, arranging, and safe-keeping for distribution, and of distributing to the persons entitled by law to receive the same, all printed journals of the two Houses of Congress, and all other books and documents of every nature whatever, already or hereafter directed by law to be printed or purchased for the use of the Government, except such as are directed to be printed or purchased for the particular use of Congress or of either House thereof, or for the particular use of the Executive or of any of the Departments; and any person whose duty it shall be by law to deliver any of the same, shall deliver them at the rooms assigned by the Secretary of the Interior therefor.—*R. S.* 497.

The Commissioner of Patents may print, or cause to be printed, copies of the claims of current issues, and copies of such laws, decisions, regulations, and circulars as may be necessary for the information of the public.—*R. S.* 489.

The Commissioner of Patents is authorized to have printed from time to time, for gratuitous distribution, not to exceed 150 copies of the complete specifications and drawings of each patent hereafter issued, together with suitable indexes.—*R. S.* 490.

The Commissioner of Patents is authorized to have printed such additional numbers of copies of specifications and drawings, certified as provided in the preceding section, at a price not to

exceed the contract price for such drawings, for sale, as may be warranted by the actual demand for the same; and he is also authorized to furnish a complete set of such specifications and drawings to any public library which will pay for binding the same into volumes to correspond with those in the Patent Office, and for the transportation of the same, and which shall also provide for proper custody for the same, with convenient access for the public thereto, under such regulations as the Commissioner shall deem reasonable.—*R. S.* 491.

The lithographing and engraving required by the two preceding sections shall be awarded to the lowest and best bidders for the interests of the Government, due regard being paid to the execution of the work, after due advertising by the Congressional Printer under the direction of the Joint Committee on Printing; but the Joint Committee on Printing may empower the Congressional Printer to make immediate contracts for engraving, whenever, in their opinion, the exigencies of the public service will not justify waiting for advertisement and award; or if, in the judgment of the Joint Committee on Printing, the work can be performed under the direction of the Commissioner of Patents more advantageously than in the manner above prescribed, it shall be so done, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe.—*R. S.* 492.

A tabular statement of the items paid out up to November 1st in each year of the appropriations made for the Indian Department for the fiscal year previously ending, each item being placed under the appropriation from which it was paid in such manner as to show the disposition made of each appropriation and the amount unexpended of each; also, an itemized statement of the salaries and incidental expenses paid at each agency for the said year, and the appropriations out of which paid, and the number of Indians at each agency. * * *—18 *Stat. L.* p. 450, *March* 3, 1875.

That it shall be the duty of the Commissioner of Indian Affairs to cause to be compiled and printed for the use of Indian agents and inspectors the provisions of the statutes regulating

the performance of their respective duties, and also to furnish said officers from time to time information of new enactments upon the same subject.—22 *Stat. L. p.* 88, *May* 17, 1882.

The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe.—*R. S.* 432.

All moneys which may be received from the sale of maps, charts, and nautical books shall be returned by the Secretary of the Navy into the Treasury of the United States, to be used in the further preparation and publication of maps, charts, navigators, sailing directions, and instructions for the use of seamen, to be sold at the rates as set forth in the preceding section.—*R. S.* 433.

APPROPRIATIONS FOR FISCAL YEAR 1883-1884.

SALARIES.

For compensation of the Public Printer, \$4,500; for chief clerk, \$2,400; four clerks of class four; one clerk of class one; in all, \$15,300.—22 *Stat. L. p.* 536, *March* 3, 1883.

CONTINGENT EXPENSES.

For contingent expenses of his office, namely: For stationery, postage, advertising, traveling expenses, horses and wagons, and miscellaneous items, \$3,000.—22 *Stat. L. p.* 536, *March* 3, 1883.

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, \$2,500,000; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely: For printing and binding for Congress, including the proceedings and debates, \$1,402,000; for the State Department, \$15,000; for the Treasury Department, \$250,000; for the War Department, \$170,000 (of which sum \$12,000 shall be for the catalogue of the library of the Surgeon-General's Office); for the Navy Department, \$50,000; for the Interior Department \$380,000 (of which sum \$10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, \$10,000; for the Post-Office Department, \$150,000; for the Agricultural Department, \$20,000; for the Supreme Court of the United States, \$25,000; for the supreme court of the District of Columbia, \$1,000; for the Court of Claims, \$8,000; and for the Library of Congress, \$19,000. And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended. * * *—22 *Stat. L. p.* 629, *March* 3, 1883.

AGRICULTURAL REPORT, 1881-1882.

That there be printed 300,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1881; * * * and \$219,161.54, or so much thereof as may be necessary, is

hereby appropriated out of any money in the Treasury not otherwise appropriated to carry out this joint resolution.—22 *Stat. L. p.* 395, *Aug.* 8, 1882.

AGRICULTURAL REPORT, 1883.

That there be printed 300,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1883; * * * and the sum of \$220,000, or so much thereof as may be necessary, is hereby appropriated to defray the cost of publication.—22 *Stat. L. p.* 641, *March* 3, 1883.

REPORTS TENTH CENSUS.

That the Reports of the Tenth Census of the United States be printed * * * and the sum of \$678,624.61, or so much thereof as may be necessary to defray the cost of the above-named printing and binding, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.—22 *Stat. L. p.* 344, *Aug.* 7, 1882.

REPAIRS.

For water-closets, \$7,500. For reflooring, \$5,000.—22 *Stat. L. p.* 629, *March* 3, 1883.

REMOVAL AND STORAGE OF CERTAIN PROPERTY.

That the Public Printer be, and he hereby is, directed to remove forthwith from the Government Printing Office so much of the property of the United States in the upper stories thereof as shall, in his opinion, and in the opinion of the Architect of the Capitol, render said building entirely safe for the persons employed therein.

SEC. 2. That the Public Printer be, and he hereby is, authorized and required to procure suitable storage room, as near said building as practicable, for the temporary storage of the property of the Government so to be removed from said building; and the sum of \$5,000, or so much thereof as shall be necessary, is hereby appropriated for the purposes aforesaid.—22 *Stat. L. p.* 637, *Feb.* 6, 1883.

EXTRACTS FROM THE RULES OF THE SENATE.

[See McDonald's Manual, edition of 1881.]

A Committee on Printing, to consist of three Senators, who shall have power also to act jointly with the same committee of the House of Representatives.—*Page 143.*

53. Every motion to print documents, reports, or other matter transmitted by either of the Executive Departments, or to print memorials, petitions, accompanying documents, or any other paper except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate otherwise order, be referred to the Committee on Printing. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.—*Page 147.*

54. Motions to print additional numbers shall also be referred to the Committee on Printing; and when the committee shall report in favor of printing additional numbers, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of \$500, the concurrence of the House of Representatives shall be necessary for the order to print the same.—*Page 147.*

55. Every bill or joint resolution introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.—*Page 148.*

EXTRACTS FROM THE RULES OF THE HOUSE OF REPRESENTATIVES.

[See Smith's Digest, 6th edition, 2d session 47th Congress.]

DUTIES OF THE CLERK.

He shall make, and cause to be printed and delivered to each member or mailed to his address, at the commencement of every regular session of Congress, a list of the reports which it is the duty of any officer or Department to make to Congress, referring to the act or resolution and page of the volume of the laws or Journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made; also make a weekly statement of the resolutions and bills upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the dates of such orders and proceedings, which statement shall be printed.—*Rule III, clause 2.*

He shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session, and complete, as soon after the close of the session as possible, the printing and distribution to Members and Delegates of the Journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the members and officers of the House and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the Journal thereof to the executive and to each branch of the legislature of every State and Territory; preserve for and deliver or mail to each Member and Delegate an extra copy, in good binding, of all documents printed by order of either House of the Congress to which he belonged. * * *—*Rule III, clause 3.*

Pairs shall be announced by the Clerk, after the completion of the second roll-call, from a written list furnished him, and signed by the member making the statement to the Clerk, which

list shall be published in the Record as a part of the proceedings, immediately following the names of those not voting; *Provided* pairs shall be announced but once during the same legislative day.—*Rule VIII, clause 2.*

Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, viz: * * * On Printing, to consist of three members.—*Rule X, clause 1.*

All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House.—*Rule XI, clause 45.*

The following-named committees shall have leave to report at any time on the matters herein stated, viz: * * * The Committee on Printing, on all matters referred to them of printing for the use of the House or two houses.—*Rule XI, clause 47.*

CALENDARS.

1. There shall be three calendars of business reported from committees, viz:

First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property;

Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property; and

Third. A Calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, viz: A standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided according to its character, without debate, in the following order, viz: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.—*Rule XIII.*

RECONSIDERATION.

No bill, petition, memorial, or resolution, referred to a committee or reported therefrom, for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.—*Rule XVIII, clause 2.*

Members having petitions or memorials to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal together with the names of the members presenting them, and the Clerk shall furnish a transcript thereof to the official reporters of debates for publication in the Record.—*Rule XXII, clause 1.*

ORDER OF BUSINESS.

On all days other than Monday, as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed, and a copy thereof mailed by the Public Printer to each Member and Delegate; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business; but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.—*Rule XXIV, clause 2.*

MESSAGES.

Messages received from the Senate and the President of the United States giving notice of bills passed or approved shall be entered in the Journal and published in the Record of that day's proceedings.—*Rule XLI.*

COPIES FOR LIBRARY OF CONGRESS.

WASHINGTON, *October 24*, 1868.

SIR: I have the honor to call your attention to the provisions of the resolution of Congress inclosed, approved July 25, 1868, and to request that the 50 copies of all documents now being printed and hereafter to be printed at the Congressional Printing Office, whether by order of either House of Congress or of any Department or bureau of the Government, be furnished by you, as fast as each edition is printed and bound, to the Librarian of Congress, for the purpose specified in the resolution.

I would also request that, of the Patent-Office Report and Agricultural Report now being printed, 100 copies additional (or 150 copies in all) be delivered to the Librarian for the purpose indicated.

In behalf of the Joint Committee on the Library.

Your obedient servant,

E. D. MORGAN, *Chairman*.

J. D. DEFREES, Esq.,

Congressional Printer.

WASHINGTON, *September 22*, 1869.

DEAR SIR: Your attention is respectfully called to the provisions of the resolutions of Congress, approved July 25, 1868, requiring the Congressional Printer to furnish to the Librarian of Congress, 50 copies of all documents printed, under whatever authority, for the purpose of exchanging the same for the publications of foreign Governments, which are to be deposited in this Library.

The official direction from the chairman of the Joint Committee on the Library, to print and deliver these documents required by the resolution, was communicated to your predecessor, J. D. Defrees, on the 24th of October, 1868. (*See Letter of Hon. E. D. Morgan, chairman, of said date.*) The only reply received was a verbal assurance from Mr. Defrees to the undersigned

that the documents should be regularly forwarded, and that the 150 copies (50 regular and 100 extra) of the Agricultural and Patent Office Reports for 1867, then on the press, would also be supplied. Not having received any documents whatever under this act of Congress, and the purpose of the same being to enrich the Library with as large a number and variety of the documents of foreign Governments as can be procured in exchange for our own, you are requested to have placed at my disposal 50 copies of each book, pamphlet, circular, army order, or other publication, by whatever authority printed, and 100 copies additional of all documents printed in excess of the usual number, to enable me to carry out the resolution of Congress referred to.

Very respectfully,

A. R. SPOFFORD,
Librarian.

Col. A. M. CLAPP,
Congressional Printer.

WASHINGTON, *September 30, 1869.*

DEAR SIR: In reference to the documents, not of Congress, but of the Departments and bureaus of the Government, of which 50 copies are required by resolution of Congress to be furnished to the Library for international exchange, I have to say, that all such documents as are printed at the public expense (with the single exception of private instructions or confidential official communications) are important, and will properly be furnished. The foreign Governments with which the exchanges are made furnish us with great fullness the specially printed documents they print, in each Department of their public service, and it is desired to make a return in kind.

With high respect, your obedient servant,

A. R. SPOFFORD,
Librarian.

Hon. A. M. CLAPP,
Congressional Printer.

EXTRACTS FROM OPINIONS OF ATTORNEYS-GENERAL.

[Opinions of Attorneys-General, vol. 14, p. 58.]

PRINTING DRAWINGS OF PATENTS.

By act of March 3, 1871, chap. 113, an appropriation was made to meet (*inter alia*) the expense of publishing specifications and drawings required by the Patent-Office during the year ending June 30, 1872; the appropriation was to be disbursed by the Superintendent of Public Printing, under whose direction the execution of the work mentioned was then placed; but by the act of March 24, 1871, chap. 5, the Joint Committee of Congress on Printing was authorized to transfer the direction of the work to the Commissioner of Patents, should it be deemed expedient to do so, and on the 16th of June, 1872, such transfer was made: *Held* that, notwithstanding the transfer of the direction of the work, the appropriation was still applicable to the payment of expenses incurred in its prosecution, and might therefore be employed by the Superintendent of Public Printing in payment of work done under the direction of the Commissioner of Patents; *yet held, also*, that under section 5 of the act of July 12, 1870, chap. 251, the appropriation having been made specifically for the fiscal year ending June 30, 1872, was only applicable to expenses incurred during that year, or to the fulfillment of contracts made within the same period.

DEPARTMENT OF JUSTICE,

July 13, 1872.

Your letter of the 8th instant referred to me a communication addressed to you by the acting Commissioner of Patents, Mr. Thacher, suggesting a question in regard to the printing of the specifications and drawings of patents.

The case presented by the acting Commissioner is substantially this: By the act of March 3, 1871, providing for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872, the sum of \$91,000 was appropriated for the "lithographing, engraving, mapping copies of maps, plans, and diagrams in fac simile on tracing linen." (16 Stat. 478.) This appropriation was to be disbursed by the Superintendent of Public Printing, and was designed to meet expenses incurred for publishing specifications and drawings required by the Patent-Office under the provisions of the joint

resolution of January 11, 1871 (16 Stat. 590), as well as for lithographing, engraving, &c., required by other Departments of the public service.

The execution of the work for the Patent-Office, by the terms of that resolution, was placed under the direction of the Superintendent of the Public Printing. But by the 1st section of the act of March 24, 1871 (17 Stat. 2), it was enacted "that if, in the judgment of the Joint Committee on Printing, the provisions of the joint resolution providing for the publishing specifications and drawings of the Patent-Office, approved January 11, 1871, can be performed under the direction of the Commissioner of Patents more advantageously than in the manner provided in said joint resolution, it shall be so done, under such limitations and conditions as the Joint Committee on Printing may, from time to time, prescribe." And on the 10th of June, 1872, the said Joint Committee determined that the publication of such specifications and drawings could be more advantageously made under the direction of the Commissioner of Patents, to whom the same was accordingly transferred, subject to certain limitations and conditions which it is unnecessary to here state.

Upon this, I understand, the question has arisen whether, since the transfer of the direction of the work referred to, made by the Joint Committee, as aforesaid, the above-mentioned appropriation is still applicable to the payment of expenses incurred in the prosecution of that work; that is to say, work done or that may be done under the direction of the Commissioner of Patents.

The mere transfer of the direction of the said work from one office to another does not, as I conceive, affect the applicability of that appropriation or divert it from any of the objects for which it was intended. The appropriation, after the transfer, still remained the proper and the only fund out of which the expenses of the work were payable, and might still be disbursed by the Superintendent of Public Printing for that purpose. Yet it is to be observed that the appropriation was made specifically for the service of the fiscal year ending June 30, 1872, and that under the 5th section of the act of July 12, 1870 (16 Stat. 251), it can only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made

within that year. Subject to these restrictions, then, I am of the opinion that the appropriation may be employed by the Superintendent of Public Printing in payment of work of the kind referred to that has been done or that may be done under the direction of the Commissioner of Patents.

The papers which accompanied your letter are herewith returned.

I have the honor to be, &c.,

GEO. H. WILLIAMS.

HON. C. DELANO,
Secretary of the Interior.

[Opinions of Attorneys-General, vol. 16, p. 57.]

DEPARTMENTAL PRINTING AND BINDING.

The provision in the sundry civil act of June 20, 1878, chap. 359, that "no books shall be printed and bound except when the same shall be ordered by Congress or are authorized by law," operates to prohibit the practice which theretofore existed (under *implied* authority of law) of printing and binding reports, &c., made in the course of departmental business, and requires that thenceforth for such printing and binding there must be express statutory authorization.

DEPARTMENT OF JUSTICE,
Washington, July 2, 1878.

The SECRETARY OF THE NAVY:

SIR: Yours of the 29th ultimo, addressed to the Attorney-General, asking for an opinion upon a clause contained in the sundry civil act passed at the late session of Congress, has been received, and herewith I submit for your consideration a reply. The clause in question is as follows: "And hereafter no binding shall be done for any Department of the Government except in plain sheep or cloth, and no books shall be printed and bound except when the same shall be ordered by Congress or are authorized by law."

If the above phrase "authorized by law" be treated as referring either (1) to *future* law only, or (2) to law *in general*, the previous prohibition becomes either (1) superfluous or (2) nugatory; for, under the former hypothesis, in the absence of that phrase the prohibition would be subject all the same and equally to all future legislation, and under the latter the exception would

be as wide as the command, and would leave things just as they were before.

Such interpretation must therefore be rejected. The proper solution, as I apprehend, is to be found in some modified sense of the word *law* in the phrase above quoted. It has been the practice, I understand, to consider heads of Departments vested *impliedly* with authority of law to print and bind whatever reports, &c., are made in the course of departmental business. I interpret the above prohibition as operating upon this practice, and requiring hereafter for such printing and binding express statutory authorization.

That which is spoken of is "printing *and* binding;" not *printing* alone, or *binding* alone; although of course the prohibition extends to *such operation* in future, whether ordered at once or successively.

Presuming that what I have said above is substantially a full reply to your communication, I shall not refer more particularly to its details.

Very respectfully,

S. F. PHILLIPS,
Acting Attorney-General.

[Opinions of Attorneys-General, vol. 16, p. 127.]

NAUTICAL ALMANAC.

The printing and binding at the Government Printing Office of the book called "The American Ephemeris and Nautical Almanac" for the Navy Department are within the appropriation made by the act of June 20, 1878, chap. 359, for printing and binding for that Department, and accordingly are authorized by law.

DEPARTMENT OF JUSTICE,
Washington, September 10, 1878.

The SECRETARY OF THE NAVY:

SIR: Herewith I submit a reply to yours of the 6th instant, addressed to the Attorney-General, asking whether the American Ephemeris and Nautical Almanac can be printed and bound at the Government Printing Office under the provisions of law now existing, especially in view of that contained in the appropriation act of June 20 last, to the effect that "no books shall be printed

and bound except when the same shall be ordered by Congress or are authorized by law."

Upon consideration, it seems to me that the printing and binding of the Nautical Almanac is authorized by law.

In the first place, a nautical almanac is well known to be a *book*. It is a "nautical book" of the sort mentioned in section 432 of the Revised Statutes.

The machinery by which the Secretary is authorized from year to year to have this book made is to be found in section 3661 of the Revised Statutes, in connection with the annual reports by, and the appropriations for, that officer. By the former provision the Secretary is to submit to Congress an estimate "for printing and binding to be executed under the direction of the Congressional Printer." In response to such estimate for the present year, Congress, by the act of June 20 above mentioned, appropriated *for printing and binding for the Navy Department, \$53,000*. That the nautical book called The American Ephemeris and Nautical Almanac is entitled to the benefit of that appropriation appears by the *act making appropriations for the Naval Service, &c.*, of May 4, 1878, where one of the items is "for expenses of Nautical Almanac," no sum being mentioned in that connection, but the provision being left to be explained by the appropriation which follows, *for preparing that work for publication*, and by that in the act of June 20, 1878, above cited, covering *printing and binding for the Navy Department*.

I submit my opinion, therefore, that there is an express authorization by law for not only the *preparation* but also the *printing and binding* of the Nautical Almanac during the present year at the office of the Congressional Printer.

Very respectfully, your obedient servant,

S. F. PHILLIPS,

Solicitor-General and Acting Attorney-General.

DECISION OF JUDGE A. WYLIE IN THE SUPREME
COURT, D. C.

EXTRA COPIES.

If any person desiring extra copies of any document printed at the Government Printing Office by authority of law shall, previous to its being put to press, notify the Congressional Printer of the number of copies wanted, and shall pay to him, in advance, the estimated cost thereof, and 10 per cent. thereon, the Congressional Printer may, under the direction of the Joint Committee on Public Printing, furnish the same.—*R. S.* 3809.

It appears that the Joint Committee of Congress has control of this subject of printing at the Government Printing Office. It is beyond the power of the court to make an order which will supersede their authority. Therefore, without passing upon the question arising as to the meaning of the word "documents" here, it is clear that the counsel for the defense have not brought themselves within the terms of this section. They have shown no authority from the Joint Committee on Public Printing. On that ground I would overrule the motion.—*Dec.* 19, 1882.

[1 Lawrence Compt. Dec. 2d ed. p. 31.]

EXTRACTS FROM DECISIONS OF THE FIRST COMPTROLLER OF THE TREASURY.

IN THE MATTER OF EMPLOYÉS IN GOVERNMENT PRINTING OFFICE—HOLIDAY CASE.

1. In construing a statute in which there is ambiguity, the real intention of the law-making power, as gathered from recognized sources of interpretation and construction, must prevail, though contrary to the ordinary meaning of the mere letter of some parts of the act.
2. Rules of construction stated.
3. The joint resolution of Congress of April 16, 1880, giving pay to the employés of the Government Printing Office for legal holidays, including *July 4*, when employés of other Departments are so paid, was intended to give pay for *Monday, July 5*, it having, by usage in the Departments, been adopted as *the holiday* when *Sunday* happened to be the 4th of July.
4. It was the *holiday* rather than the *day* to which the gratuity was intended to be applied.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., August 2, 1880.

SIR: I have the honor to acknowledge the receipt of letters of the 28th and 31st ultimo, from John Larcombe, disbursing clerk for the Public Printer, in his absence, calling my attention to the joint resolution of April 16, 1880, providing for payment of wages to employés in the Government Printing Office for legal holidays, and inquiring if the employés of the Government Printing Office may be paid wages for the 5th of July as a holiday, the 4th having fallen on Sunday, and the office having been closed on the 5th as a holiday.

The joint resolution provides: "That the employés of the Government Printing Office shall be allowed the following legal holidays with pay, to wit: the 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving: *Provided*, That

the said employés shall be paid for these holidays only when the employés of the other Government Departments shall be so paid: *And provided further*, That nothing herein contained shall authorize any additional payment to such employés as receive annual salaries."

Your inquiry relates to pay for the 5th of July.

If we adhere to the *strict letter* of the resolution and apply it to the subject of your inquiries, it only declares the 4th day of July a legal holiday, and provides that certain employés of the Government Printing Office shall be paid for *this* holiday when the (like) employés of other Government Departments shall be so paid. The employés of other Departments were not so paid for *that* day. The resolution does not *in terms* provide that in case the 4th day of July shall fall on Sunday another day may be substituted instead.

But there is a maxim applicable to the construction of statutes, *qui hæret in litera, hæret in cortice*. The mere letter must yield to the intention of the law-making power.

Sedgwick says "that in construing a statute, the judges have a right to decide in some cases even in direct contravention of its language," * * * in order to give effect to the intention.

Statutes are to be construed according to the intention of the makers, if this can be ascertained with reasonable certainty, although such construction may seem contrary to the ordinary meaning of the letter of the statute. * * *

In *Brown vs. Somerville*, 8 Md. 444, the supreme court of that State says: "The words of an act may be disregarded when that is necessary to arrive at the intention of law-makers."

Construction can be carried to this extent only when there is real ambiguity and doubt.—4 *Dal.* 30.

Statutes like that under consideration, which are designed to secure equality in privileges and exemptions among classes of Government employés, and especially for those engaged in productive labor, are entitled to a liberal construction, and to what is called the equity of the statute in their favor.—4 *Dutch.* 523; *Story Eq.* 754.

In the construction of statutes, it is permitted to look outside

of the statute to learn the previous state of the law, and the mischiefs which the statute was passed to obviate.—*Sedgwick*, 202.

And where a statute is applicable only to a particular place, doubtful words may be construed with reference to the usage of that place. * * *

There had been a usage in the Government Printing Office for many years, by which holidays were observed and the employés paid as if they had rendered service. And if a holiday fell on Sunday, the next day was observed and employés paid therefor. Thus, the 4th of July was on Sunday in 1869 and 1875, and the 1st of January was on Sunday in 1865, 1871, and 1876, but in each case the next day was observed and paid for. This usage was subsequently discontinued.

The other Departments of the Government for many years observed, and continue to observe, the usage which had prevailed in the Government Printing Office. The discontinuance of the usage in the Government Printing Office left the employés therein less favored than those of other Departments. The object of the statute was to place all on the same footing, and give like advantages to all rendering service in like manner. The joint resolution was aimed not so much at *any day* as the *holidays*, or days observed as such. The evident design was that no distinction should be made on account of the place of service. Without this construction, the equity of the resolution in some measure fails.

The employés in the Government Printing Office, who do not receive annual salaries, or salaries fixed upon the basis of an annual salary, are, therefore, entitled to pay for the holiday observed as for the 4th day of July, in the same manner as employés similarly situated in other Departments.

I have the honor to be, respectfully,

WM. LAWRENCE,
First Comptroller.

Hon. JOHN D. DEFREES,
Public Printer, Washington, D. C.

[1 Lawrence Compt. Dec. 2d ed. pp. 160, 161.]

IN THE MATTER OF THE GOVERNMENT PRINTING OFFICE.
MESSENGER'S CASE.

1. The Government is not liable for the torts of its officers or agents. Hence,
2. When a messenger, employed by the Superintendent of the Government Printing Office, has by his wrongful acts caused the death of a horse hired for the public service, the owner of the horse has no legal claim on the Government by reason of the loss.
3. The agent is personally liable for his tort to the owner of the horse.

In 1879, the Superintendent of the Government Printing Office, in pursuance of authority conferred upon him by act of Congress, hired a horse from a resident of the District of Columbia for a compensation agreed upon, to be used by a messenger of the office. The messenger wrongfully maltreated the horse, by reason of which he died.

The question, whether the owner of the horse can be paid the reasonable value thereof out of moneys appropriated for the general purposes of the Government Printing Office, is now submitted to the First Comptroller by the Superintendent of that office.

DECISION BY WILLIAM LAWRENCE, *First Comptroller*:

The messenger whose wrongful acts caused the death of the horse is clearly liable to the owner thereof for his value. The Government is not responsible for the torts or wrongful acts of its officers or agents. This has been repeatedly determined by the Supreme Court of the United States.

The exemption of the Government from liability rests upon the well-settled principle that a wrong cannot be imputed to it. This principle is derived from the English common law, and is equally applicable in this country as in Great Britain. It is a rule of public policy, and its maintenance is indispensable to secure the public interests. If the Government could be held responsible for the torts of its officers, it would be involved in many liabilities, and citizens would, in many cases, feel relieved of the obligation to aid in preventing or detecting wrongful acts of officers or agents. If the Government should be held liable for torts of this character, the result would be, frequently, to invite their

commission, which might be made to inure to the benefit of parties making claims against the Government.

It is said in Broom's Legal Maxims, page 62: "The ordinary maxim, *Respondeat superior*, has, then, no application to the Crown, for the Crown cannot, in contemplation of law, command a wrongful act to be done. It may be stated, moreover, as a rule of the common law, that the Crown cannot be prejudiced by the laches or acts of omission of any of its officers."

It is unnecessary to quote authorities, for the principles stated are universally recognized.

The Government cannot pay for the horse.

TREASURY DEPARTMENT,

First Comptroller's Office, Sept. 24, 1880.

[2 Lawrence Compt. Dec. 2d ed. p. 32.]

* * * * *

It must be understood, also, that when the Government employs minors in its service, payments of compensation made to them can give no right of reclamation to a parent-guardian, or to the minor on his arriving at majority, because the assent of the parent or guardian to such employment must be conclusively presumed while the employment is permitted by him to continue. And when the employment is in pursuance of law, and payment made accordingly, no further claim can exist.

* * * * *

[2 Lawrence Compt. Dec. 2d ed. p. 120.]

PURCHASE OF COAL AND WOOD WITHOUT INSPECTION.

* * * * *

5. Inspectors, under section 3711, are to be appointed by the head of the Department for the service of which purchases are made. If the purchase is for a branch of the public service not under the control of a regular Department, (*e. g.*, the "Government Printing Office" or the "Botanical Garden,") the chief officer of such branch appoints the inspector.

* * * * *

7. The term "Department," as generally used in statutes, does not include the "Government Printing Office," the "Botanical Garden," the "benevolent institutions," and similar independent establishments.

8. The bonds required of inspectors, under section 3711 of the Revised Statutes, should, as a matter of convenience, be filed in the Treasury Department.
9. The inspectors are not officers. Hence, evidence of their appointment should be required by accounting officers.

* * * * *

In a more comprehensive and popular sense the word "Department" sometimes includes Congress, the legislative department; and the Courts, the judicial department. (Const. Art. I, sec. 8, cl. 18.) It sometimes has a Territorial application (*Parker vs. U. S.* 1 Pet. 293); but generally, when used in statutes, it applies technically and strictly only to the seven Executive Departments.

The term "Department" does not generally, in statutes, include the "Government Printing Office," whose chief officer is the "Public Printer," but not an officer of any "Department." (Rev. Stats. 3758; 19 Stats. 145, 146.) Benevolent institutions controlled by officers and agents of the Government, and supported by it, but not connected with or under the control of any Department, do not generally fall within the term "Department" as used in the statutes. The Government Printing Office is a "branch of the public service," whose "chief" officer appoints inspectors under section 3711. The "Botanical Garden" is not a "Department"—it is an independent "*branch* of the public service"; it *grew* up, and has continued to *flourish*, on annual appropriations. (Rev. Stats. 1826, 1827, 1832, 1833; 21 Stats. 215, 238, 272.)

The law does not in direct terms specify the form or declare what disposition shall be made of the bonds of inspectors under section 3711 of the Revised Statutes; but section 3713 makes it the duty of the accounting officers of the Treasury Department, before passing any voucher, to require "a certificate of the proper inspector * * * that the quantity paid for has been determined by such officer."

For this purpose, evidence of the appointment of the inspector should be produced. The law requires it. (Rev. Stats. 3712.) Mere evidence that a person was acting as such might not be quite satisfactory, since these inspectors are not *officers*. (*U. S. vs. Germaine*, 99 U. S. 508.) Hence no officer is bound, in legal contemplation, to know who are inspectors. The bond duly ap-

proved would be evidence of such appointment; but this is not the only evidence which can be received.

It would be a convenient practice for all officers taking bonds to which access may be necessary or desirable in the settlement of accounts, to file them in the Treasury Department, where they would be within reach of all the accounting officers.

[2 Lawrence Compt. Dec. 2d ed. p. 199.]

IN THE MATTER OF COMPENSATION FOR HOLIDAYS TO
PER DIEM GOVERNMENT EMPLOYÉS—HOLIDAY CASE
(SECOND).

1. Under the joint resolution of Congress of March 3, 1881, employés of the Government in Washington are entitled to be paid the usual *per diem* compensation for the 4th of March and 30th of May, 1881, without being required to render service on either of those days.
2. If an employé on a *per diem* compensation *actually* perform service on either of those days by the order of the officer under whose direction he is, he is entitled to pay therefor, and to one day's pay additional, as for the holiday.
3. Statutes designed to secure to laborers and employés who are paid a *per diem compensation* equality of benefits with salaried officers and with employés compensated for fixed periods, are to be liberally construed.

TREASURY DEPARTMENT,
OFFICE OF THE FIRST COMPTROLLER,
April 18, 1881.

EDWARD CLARK, *Architect of the Capitol*:

SIR: Your letter of the 12th instant is received, asking me to give construction to the joint resolution of Congress approved March 3, 1881, which provides: "That *all* employés of the Government in the city of Washington shall be paid for the 4th day of March and the 30th day of May, 1881, as for the other days on which they perform labor."

You state that, owing to the low condition of the appropriation available for the balance of the fiscal year, the *per diem* men employed under your direction have been divided into two classes, one working the first half of the month and the other the latter half; that nearly all the men on duty on the first half of the month worked on the 4th of March, 1881, and were paid for that day's service; and you ask whether, under the joint resolution, the men who worked on the 4th of March, and were

paid for their services on that day, are entitled to an extra day's pay.

It is clear that the object of this joint resolution was to give all employés of the Government in the city of Washington compensation for the 4th day of March, the day on which the President was inaugurated, without requiring any labor for that day, and to pay them precisely as for other days on which they performed labor; in other words, they were to have a holiday without labor, for which they were to be paid as if they had labored. Having actually labored, they are entitled to compensation for their labor, and they are also entitled to be paid one day's compensation for the same day as a holiday.

You further inquire whether those who were detailed for service for the latter portion of the month of March, whose names appear on the general pay-roll for that month, are entitled to payment for the 4th of said month as if they were actually employed on that day.

It is clear that it was not the purpose of this joint resolution to distinguish between or favor one class of laborers over and above another. It declares that "all" employés of the Government shall be paid for the 4th of March as on other days for which they performed labor, without requiring labor of them on that day. The persons who were on the pay-rolls for the entire month were on the 4th of March "*employés*" of the Government, within the meaning of this joint resolution, and are entitled to pay for the 4th of March as for a holiday.

This joint resolution is entitled to a *liberal construction* in favor of the employés named in it. All legislation looking to the interests of labor is to be liberally construed in favor of the laborer.

* * *

Most of the "employés" under your direction are engaged in *manual* labor. The joint resolution includes, however, not only those who perform manual labor, but all who "perform labor." This phraseology embraces all who *render service* for which they are entitled to *per diem* compensation. It does not embrace employés paid a fixed salary or compensation in gross for a year, month, or other prescribed period. Officers and employés entitled to a fixed salary, or compensation for a period of

time including the 4th of March, are paid for such period, although they may not have been required to perform service on that day.

Those whose compensation is a *per diem*, to be paid only by reason of actual service, would, in the absence of the joint resolution, be less favored than the officers and other employés above mentioned. The joint resolution was designed to place all on the same footing as to receiving compensation for the 4th of March and Decoration Day, May 30.

Vouchers of payments made according to the construction here given to the joint resolution of Congress will be approved and allowed in the settlement, in this Department, of the accounts of the disbursing officer whose duty it is to make payments to said employés.*

Respectfully,

WILLIAM LAWRENCE,
First Comptroller.

[2 Lawrence Compt. Dec. 2d ed. p. 504.]

IN THE MATTER OF THE RIGHT OF EMPLOYÉS IN THE GOVERNMENT PRINTING OFFICE TO COMPENSATION DURING SUSPENSION OF WORK AS A MARK OF RESPECT TO THE MEMORY OF THE LATE PRESIDENT GARFELD—PRINTER'S CASE

1. The Public Printer has authority to employ, at such rates of wages as he may deem for the interest of the Government and just to the persons employed, such proof-readers, compositors, pressmen, binders, laborers, and other hands as may be absolutely necessary for the execution of the orders for public printing and binding authorized by law; but he is forbidden to pay for composition any greater price than 50 cents per thousand ems, or, for time-work, more than 40 cents per hour to printers and bookbinders.
2. The employés of the Government Printing Office are allowed pay for the legal holidays occurring on the 1st of January, the 22d of February, the 4th of July, and the 25th of December, and for such day as may be designated by the President of the United States as a day of public fast or thanksgiving; and it is the declared sense of Congress that when the Government Printing Office is closed on "Decoration Day,"

* See Holiday case, 1 Lawrence Compt. Dec. p. 31 [page 99].

pursuant to the proclamation of the President, and the employés of the other Executive Departments in Washington, likewise closed, are paid for that day, the employés of the Government Printing Office are equally entitled to payment for that day.

3. The employment by the Public Printer of the proof readers, compositors, pressmen, binders, laborers, and other hands composing the working force of his office, constitutes a contract for *continuous* service, which is to be interrupted only on such occasions as may be expressly agreed upon or implied from usage, or arising from the necessities of the public service or other controlling circumstance.
4. The suspension of work at the Government Printing Office from noon on September 21 to the close of working hours on September 24, 1882, as a mark of respect for the memory of the late President Garfield, was not required by the necessities of the public service, or by any other controlling circumstance. The employés are therefore entitled to pay during that time.
5. The employés at the Government Printing Office did not find, and could not have found, employment in the city of Washington or vicinity during the suspension of work; hence, they come within the rule of contract law which awards a right of compensation for the time thus lost by them. The fact that they were not dismissed or furloughed makes such right conclusive on the Government.
6. There is no statutory provision limiting the employés in the Government Printing Office to compensation only for "the time during which they may be actually employed."
7. The Public Printer can make such contracts only, and in such form, as the statute may authorize, and all persons are bound at their peril to know the extent of his authority. If, under color of authority, he make an unauthorized agreement, the Government is not liable thereon. In this respect a public agent differs from a general private agent.
8. The statute prescribes the *rate of compensation* for some of the employés of the Government Printing Office, but it does not in terms or by any reasonable construction say that there shall be no contract for continuous or fixed periods of service. The authority to employ is *general in terms*, and it is to be understood as giving a general authority, with no limitations except those enumerated or properly implied.
9. If the authority of the Public Printer were so limited that he could make no contract for *continuous service*, no contract for *continuous time*, but only for *work actually performed*, without privilege of continuity, then a suspension of the work, even without cause, would violate no contract, and so no right to compensation for lost time could arise.
10. It is a *general* principle of law, as it is of reason and justice, that when the Government, by its agent, enters into an authorized contract with a private citizen to pay him compensation for his services, it accepts the rules of law applicable to public or private corporations or individual persons as to the character and extent of its liability.

11. Congress has recognized the obligation of the Government to meet its contract liabilities by giving the Court of Claims jurisdiction to award *compensation* and *damages* to private suitors in actions for "all claims founded upon any * * * contract, expressed or implied, with the Government of the United States."
12. It is well settled that if a private person contracts for the service of an employé for a fixed period, and without legal justification *dismisses* him from the service, and thus terminates the contract, the employer is liable to pay the dismissed employé the contract rate during the unexpired period of service, less such sum as the employé might, by reasonable diligence, have earned—as it would seem, generally—"in the same region," and in "business of the same character."
13. Where an employé "is wrongfully *dismissed* during a quarter or other definite term, he may, after the quarter or term ends, recover for the whole in an action, not for work and labor, but for *preventing him* from doing his work." (2 Parsons, Contracts, 6th ed. 41.) The amount to be recovered in such case is the pecuniary loss sustained.
14. When an employé is *actually dismissed* without sufficient cause, and has earned wages elsewhere, or by reasonable diligence might have done so, in business of the same character, the remuneration to which he would otherwise be entitled is to be reduced by the amount he earned, or might have so earned. The burden of showing that wages were or might have been earned is on the employer.
15. Employés entering upon service under the Public Printer are chargeable with a knowledge of the law that the Public Printer may do whatever the public interest or the necessities of the service may require, even though such interest or necessities may for a time suspend the opportunity for service and the right to compensation on the part of the employés under him.
16. But when there is no *express* contract reserving a right to the Public Printer to suspend work in other cases and for other reasons, and there is no usage from which employés may expect the exercise of such right, any other unforeseen and not absolutely necessary suspension would violate their understanding of the nature of their employment. Whatever reasonable men are led to expect from the character of their employment and the general usages affecting it, is an implied part of the contract of employment.
17. There was between the Public Printer and the employés under him whose work was suspended a fairly implied agreement that each employé should have *continuous employment* subject to no *interruptions* other than those referred to as being fixed by *usage* or authorized by the public interest, the necessities of the service, or other controlling circumstance affording a reasonable justification therefor, as, *e. g.*, pestilence, conflagration, riot, or other similar cause.
18. The suspension of the work in the Government Printing Office on the 21st of September was *unusual* and *unexpected* by the employés, and hence

it was not such a suspension as was contemplated in the contract of employment. It was neither a *legal necessity* nor in pursuance of any authority reserved in the contract of employment or authorized by usage or other controlling circumstance. It resulted in depriving the employés of a right to earn compensation to which, by the contract and the law, they were entitled.

19. On the part of those persons employed in the Government Printing Office in continuous service by the day, hour, or fixed price for piece-work, there is no right to compensation for the day fixed by the President's proclamation "as a day of humiliation and mourning," namely, the 26th day of September, 1882.
20. The proclamation, though it did not have the force of either common or statutory law, was justified by "a decent respect to the opinions of mankind." It created a holiday in the solemn sense of the word. It was such a *controlling element* that the Public Printer might, in reason and in law, regard it as a command, or at least as a justification, for suspending work during that day.
21. The suspension of the work for that day having been made with the express assent of the Public Printer and the implied assent of the employés, the latter can be paid no compensation for that day unless by *force of statute, contract, or usage*. There is no statute which gives a right to such compensation. The contract of employment does not authorize the compensation, and in the very nature of the case there can be no usage governing the matter.
22. Accounting officers of the Treasury have no jurisdiction over claims for unliquidated damages sounding in tort; but, excepting uncertain damages resting in opinion, and not accurately ascertainable by evidence and computation, the proper accounting officers have, under sections 236, 269, 277, and 317 of the Revised Statutes, authority to allow claims for damages not sounding in tort when there is an appropriation available.
23. *Unliquidated* damages are those which rest, in a large measure, on opinion, or they "depend upon the peculiar circumstances of each particular case, which cannot be ascertained by calculation or computation, as (1) damage for not using a farm in a workmanlike manner, (2) for not building a house in a good and sufficiently strong manner, (3) on warranty in the sale of a horse, (4) for not skillfully amputating a limb, and (5) other cases of a like character."
24. While the statutes which give the First Auditor and the First Comptroller jurisdiction do not extend to claims for unliquidated damages sounding in tort, nor to uncertain damages resting in opinion and not ascertainable to strict accuracy by evidence and computation, they clearly *do* give jurisdiction of claims for damages not sounding in tort, the just amount of which may be ascertainable from the circumstances of the case.
25. In the courts three remedies are open to an employé rendering service at fixed wages who is wrongfully dismissed or wrongfully prevented from

- performing his contract, either one of which he may pursue, to wit: (1) Treat the contract of employment as *rescinded*, and sue in debt or assumpsit for the wages due; (2) at the end of the contract period of service, or time when wages become due, sue and recover damages; (3) without waiting until the expiration of the contract period, immediately sue for any *special injury* sustained in consequence of a *breach* of the contract in being denied the privilege of performance.
26. The claim of the employés in the Government Printing Office is within the jurisdiction of the accounting officers. It is based on a continuous contract of service, and they were not dismissed from employment. Service was interrupted without their consent. They were, however, expected to be (as in fact they were) in readiness to return to work at any time, notwithstanding the suspension; and, in the mean time, so far as appears, they were not, and could not have been, employed here at their respective occupations or trades.
 27. When an employé under a contract for continuous service is, without his consent, temporarily and without sufficient excuse interrupted in his work by his employer, the contract of service remains in force. The employé is required by his contract to be in readiness for duty on call; he is, therefore, entitled during such interruption to payment at the contract rate of wages. His claim in such case is not for uncertain, unliquidated damages, but for the contract compensation.
 28. If the employer by contract *reserve a right to suspend work or to terminate a contract when any piece of work is finished*, he may do so without incurring a liability in damages. So, if a party agree to furnish materials and make a given number of articles, and his contract is terminated and he does not furnish all the materials, he is not entitled to payment for the materials not furnished.
 29. A printer paid by the month on continuous service upon an agreed compensation of 50 cents per thousand ems occupies no such position. The mode of ascertaining the rate of his compensation does not, in the absence of a special agreement or usage, abridge his right to continuous employment. By every principle of reason and justice he is entitled to the wages he might have earned.
 30. The act of the Public Printer in suspending work on September 21st was not a tort. It is well settled that "the Government is not responsible for the malfeasance, or wrongs, or neglects, or omissions of duty of the subordinate officers or agents employed in the public service." This rule exempts the Government from liability in those cases in which, as between private persons, relief would be sought in courts in actions of tort, or *ex delicto*. It has no application when the action is *ex contractu*.
 31. If the employés who were denied the privilege of rendering service consented to the suspension of work, they would have no claim to any remuneration. *Volenti fit non injuria*. It is not alleged that they were consulted, or asked to consent; and in fact they did not consent. If any employé was *unable* during the period of suspension to render

service, he suffered no damage by the suspension, and can be allowed no remuneration.

32. Subject to the limitations and qualifications stated, the right of the employés in the Government Printing Office to remuneration for the loss they respectively sustained by the suspension of the work on the 21st of September is well supported by law. The current appropriation for public printing is applicable to the payment of *wages* to which those employés are entitled by contract.
33. Payment by the Public Printer in accordance with this conclusion, on rolls by him certified, will be deemed valid, and such rolls will be allowed as vouchers in his accounts as disbursing officer. It is not required that the certificate shall show the performance of work, but only the amount to which each employé is entitled in accordance with this opinion.

James A. Garfield, President of the United States, died at Elberon, New Jersey, on the evening of Monday, September 19, 1881. His remains were brought to Washington, about 4.30 p. m., on Wednesday, September 21st, and lay in state in the rotunda of the Capitol from that time until about 5 p. m. on Friday, September 23d, when they were removed for interment at Cleveland, Ohio.

On the morning of Wednesday, September 21st, the following notice was posted in the Government Printing Office :

NOTICE.

OFFICE OF PUBLIC PRINTER,
Washington, September 21, 1881.

The Government Printing Office will be closed from noon to-day until Tuesday morning next.

As the Public Printer cannot pay, under existing law, for the time the office is closed, he will submit the matter to Congress and ask that he be authorized to do so.

JOHN D. DEFREES,
Public Printer.

The office was closed accordingly; and it does not appear that this was done upon the application or with the assent of the subordinate officers or employés.

September 22d the President issued a proclamation designating "Monday, the 26th day of September," as the day on which "the remains of our honored and beloved dead [President] will be con-

signed to their last resting-place on earth"; requesting it "to be observed throughout the United States as a day of humiliation and mourning"; and recommending "all the people to assemble on that day in their respective places of Divine worship, there to render alike their tribute of sorrowful submission to the will of Almighty God, and of reverence and love for the memory and character of our late Chief Magistrate."

September 30, 1881, the Public Printer addressed a letter to the First Comptroller, submitting the question "whether or not the employés can be paid for the entire time the office was closed on account of the death of the late President, and whether the pay-rolls therefor will be recognized by the Treasury Department."

OPINION BY WILLIAM LAWRENCE, *First Comptroller*:

There was an abundance of work to be done at the Government Printing Office pending the stoppage of work as a mark of respect for the memory of the late President; and it does not appear that the employés did, or could, secure employment elsewhere during the period of suspended work, or that any usage existed in that office as to pay in such case. The employés have been paid for the work performed prior to and since the period of suspension.

Among the powers of the Public Printer, as prescribed in the Revised Statutes, are these:

"SEC. 3758. * * * to take charge of and manage the Government Printing Office * * *."

"SEC. 3760. * * * to cause the work to be promptly executed; to superintend all printing and binding done at the Government Printing Office * * *."

"SEC. 3763. The Congressional Printer may employ, at such rates of wages as he may deem for the interest of the Government and just to the persons employed, such proof-readers, compositors, pressmen, binders, laborers, and other hands, as may be necessary for the execution of the orders for public printing and binding authorized by law; but he shall not, at any time, employ in the office more hands than the absolute necessities of the public work may require."

The act of February 16, 1877 (19 Stats. 231), provides that

“The Public Printer shall pay no greater price for composition than 50 cents per thousand ems, and 40 cents per hour for time-work to printers and bookbinders.”

The Revised Statutes provide:

“SEC. 3738. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States.”

The “joint resolution” of April 16, 1880 (21 Stats. 304), “providing for payment of wages to employés in the Government Printing Office for legal holidays,” declares “That the employés of the Government Printing Office shall be allowed the following legal holidays with pay, to wit: the 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving: *Provided*, That the said employés shall be paid for these holidays only when the employés of the other Government Departments shall be so paid: *And provided further*, That nothing herein contained shall authorize any additional payment to such employés as receive annual salaries.”

The Public Printer has authority to appoint a Foreman of Printing and a Foreman of Binding and certain clerks, with annual salaries, respectively, prescribed in amount by statute.—*Rev. Stats. 3761, 3762; Act of June 20, 1878, 20 Stats. 206.*)

He is a disbursing officer, the Revised Statutes providing that—

“SEC. 3816. There shall be advanced to the Congressional Printer, from time to time, as the public service may require it, and under such rules as the Secretary of the Treasury may prescribe, a sum of money not exceeding, at any time, two-thirds of the penalty of his bond, to enable him to pay for work and material.”

“SEC. 3817. The Congressional Printer shall settle the account of his receipts and disbursements in the manner required of other disbursing officers.

I.—*The employment of the persons referred to in the letter of the Public Printer constituted a contract.*

The Public Printer is an officer whose authority is prescribed by statute. He can make such contracts only, and in such form, as the statute may authorize, and all persons are bound at their

peril to know the extent of his authority. * * * If, under color of authority, he make an unauthorized agreement, the Government is not liable thereon. In this respect a public agent differs from a general private agent. * * * The authority under which an agent acts is to be construed with reasonable strictness. * * *

If the authority of the Public Printer were so limited that he could make no contract for *continuous service*, no contract for *continuous time*, but only for *work actually performed*, without privilege of continuity, then a suspension of the work, even without cause, would violate no contract, and so no right to compensation for lost time could arise. It is necessary, therefore, to inquire: Did the statute give the Public Printer authority to contract *only* for services to be *actually rendered*? or could he agree to give *continuous employment*? The statute says his authority is to “employ” such persons as may be necessary, and “at such *rates of wages* as he may deem for the interest of the Government and just to the persons employed”; but a later statute—the *proviso* in the act of February 16, 1877—says that he “shall pay no greater price for composition than 50 cents per thousand ems, and 40 cents per hour for time-work to printers and bookbinders.” Clearly, upon this language, there can be no question as to the existence of authority to make a contract for continuous service with any employes except *compositors, printers, and bookbinders*; and as to these employes the rules of construction and every reason of policy and justice lead to the conclusion that the Public Printer has authority to enter into contract with them for continuous service. It is not probable that Congress intended to single these employes out from all other employes and put them on a different footing as to time. *Exceptions*, which might operate to make invidious distinctions, can only arise from language which with *reasonable clearness* creates them. The statutes cited are to be reasonably construed in view of recognized principles of law and the usages in respect of public employment. When a public officer has authority to purchase goods or contract for the services of employes, a contract may be *implied* from circumstances. * * *

When a power is given by statute to a public officer, there is

an implied authority to employ the necessary and *usual means* of executing it with effect. This rule, however, may be, and sometimes is, modified by express provision of law.

It is well known that in private printing establishments compositors and printers are frequently employed by contract for *continuous* or fixed periods of service, with an agreed rate of compensation per thousand ems set or per hour of work, and that similar usages prevail in binderies.

The statute prescribes the *rate of compensation* for some of the employés in the Government Printing Office, but it does not in terms or by any reasonable construction say that there shall be no contract for continuous or fixed periods of service. Nothing is said as to the periods of service. The authority to employ is *general in terms*—"the Congressional Printer may employ." General words in a power are to be understood as giving a general authority, with no limitations except those enumerated or properly implied. *Generalia verba sunt generaliter intelligenda. Generalis regula generaliter est intelligenda.* There is a limitation as to the *rate* of wages, but not as to the *time* for which employment may be given. There is a limitation as to the number of employés—not "more hands than the absolute necessities of the public work may require." Since Congress has made limitations affecting in these two particulars the contract of employment, an inference very naturally arises that no limitation in respect of continuous employment was intended. *Expressio unius est exclusio alterius.* It would manifestly be a very strict construction of the statute to hold that it gives no authority to make a contract for continuous service. Clearly the statute authorizes an employment for labor by the month at a monthly compensation, and of compositors by the day, week, or month, with compensation of 50 cents per thousand ems during the month. The limitation is on the rate of pay, not on the contract time of service.

The Public Printer, then, had authority to make a contract for continuous service, to be interrupted only on such occasions as may be expressly agreed upon or implied from usage, or arising from the necessities of the public service or other controlling circumstance. The Public Printer admits that the contract of employment with the persons referred to in his letter was of this

nature; hence the employés were in the public service during the suspension of work. This being the case, it now becomes pertinent to consider the question as to whether these employés can be paid for the time lost by them during the suspension.

II.—*The law furnishes an adequate remedy for this case.*

1. It is a *general* principle of law, as it is of reason and justice, but subject to some exceptions not now material, that when the Government, by its agent, enters into an authorized contract with a private citizen to pay him compensation for his services, it accepts the rules of law applicable to public corporations or individual persons as to the character and extent of its liability.

Thus the Supreme Court has said: "When the United States, by its authorized officer, become a party to negotiable paper, they have all the rights and incur all the responsibility of individuals who are parties to such instruments." * * * It is, however, a general rule that unauthorized acts of officers do not bind the Government.

Congress has recognized the obligation of the Government to meet its contract liabilities by giving the Court of Claims jurisdiction to award *compensation* and *damages* to private suitors in actions for "all claims founded upon any * * * contract, expressed or implied, with the Government of the United States." * * * The extent of this jurisdiction is illustrated in many cases. * * *

2. It is well settled that if a private person contracts for the services of an employé for a fixed period, and without legal justification *dismisses* him from the service, and thus terminates the contract, the employer is liable to pay the dismissed employé the contract rate during the unexpired period of service, less such sum as the employé might, by reasonable diligence, have earned—as it would seem, generally—"in the same region," and in "business of the same character." * * *

Thus it is said in the leading American elementary work on the law of contracts that where an employé "is wrongfully *dismissed* during a quarter or other definite term, he may, after the quarter or term ends, recover for the whole in an action, not for work and labor, but for *preventing him* from doing his work." * * *

3. The amount to be recovered in such case is the pecuniary loss sustained. Thus the supreme court of New York, in illustrating this principle, states a case and lays down the rule of damages as follows: "A mason is engaged to work for a month, and tenders himself and offers to perform, but his hirer *declines the service*. The next day the mason is employed at equal wages elsewhere for a month. Clearly his loss is but one day; and it is his duty to seek other employment. Idleness is in itself a breach of moral obligation. But if he continues idle for the purpose of charging another, he superadds a fraud which the law had rather punish than countenance." * * *

In a case involving a similar principle the same court said: "In general, in such cases the plaintiff has a right to full pay. This rule has been applied to contracts for the hire of clerks, agents, and laborers for a year or a shorter time. Had it been shown that the plaintiff, after his *dismissal*, had engaged in other business, that might very well have reduced the amount which the defendants otherwise ought to pay. Had it been shown on the trial that employment of the same general nature with that which the contract between these parties contemplated had been offered to the plaintiff and refused by him, that might have furnished a ground for reducing the recovery below the stipulated amount. It should have been business of the same character, and to be carried on in the same region." * * *

Upon these and many other authorities which might be cited, it seems clear that when an employé is *actually dismissed* and has earned wages elsewhere, or by reasonable diligence might have done so, in business of the same character, the remuneration to which he would otherwise be entitled is to be reduced by the amount he earned, or might have so earned. * * *

4. The burden of showing that wages were or might have been earned, is on the employer. * * *

5. The employés at the Government Printing Office did not find and could not have found employment in the city of Washington or vicinity during the suspension; hence, they come within the rule which awards a right to compensation for the time lost by them. And the fact that they were not dismissed or furloughed makes their right to pay conclusive on the Government.

No formal written or verbal contract has been made with any of the employés. A portion of the compositors were placed on the rolls to be paid at the rate of 50 cents per thousand ems for whatever work they might perform, others to be paid 40 cents per hour during the time they worked, and other employés to be paid at a fixed price per day; payments to be made on pay-rolls to be receipted for and paid monthly. There has been no express contract as to the time any employé should be retained. The general and well-known usage has been that the Public Printer could, in lawful exercise of his discretion, (1) permanently discontinue the services of any employé at any time, or, (2) in case of diminished work and consequent necessity for reduction of force, furlough any employé, either for a fixed time or until notice be given to return to the service, or (3) limit and reduce the number of hours employés might work each day, or (4) suspend work on the usual holidays. Furloughed employés were never paid during the time of furlough. The usage prior to the joint resolution of April 16, 1880, had been, not to pay employés for any legal holiday.

There is no statutory provision applicable to employés in the Government Printing Office similar to that in section 1545 of the Revised Statutes, in relation to employés in navy-yards, which limits the right to compensation to "the time during which they may be actually employed." And see, as to a similar limitation, section 171.

The persons in the public service in the Government Printing Office are either *officers* or others employed by contract, express or implied, who are usually denominated "employés."

As to *officers*, no question is presented. They were entitled to be, and were, paid the salary prescribed by statute, wholly without reference to the question whether they were on duty or not during the period in which work was suspended in the Government Printing Office. * * * Whether the Public Printer can appoint clerks, and thereby constitute them officers, is not material to the present question. * * * Congress has recognized them as officers and made appropriations for their payment. * * *

III.—The right of the *employés* to compensation during the period of suspension of work in the Printing Office depends upon

the contract under which they respectively served and the law applicable to it.

This contract may be considered with reference (1) to the time of suspended service prior to the President's proclamation, and (2) to the effect of the designation of "a day of humiliation and mourning" made in the proclamation. As to the whole period some general principles will be noticed.

Contracts are *express* or *implied*. In either form special terms or incident rights may be annexed thereto by *usage*. There was in this case no *express* contract, either written or oral; therefore the agreement under which the employés rendered services, including the special terms thereof which affect the right to compensation, must be inferred or *implied* from circumstances.

The Public Printer was fully authorized to make any lawful contract with each employé which he deemed proper or necessary for the public interest. By *express* written or oral contract he could have reserved a right, with or without cause, at any moment (1) to *terminate* the service of the employé, or, (2) in case of diminished work or for failure of an appropriation, and consequent necessity for reduction of force, to *furlough* him, or, (3) in such case, to limit and reduce the number of hours of work each day, or (4) *suspend the work* during the usual *holidays*, or (5) on the occurrence of some great national event, as *e. g.*, the obsequies of a President who dies in office, or (6) without any reason or cause requiring such suspension of work. This right on the part of the Public Printer might be inferred from *usage* in each of the cases mentioned, and so become an implied provision of the contract of employment.

The right on the part of the Public Printer (1) to *terminate* the service of any employé, or (2) to *furlough* him under the circumstances stated, or (3) to reduce the number of hours for work each day, exists by implication under *general, long-continued, and well-known usage* in every contract of employment made by him. After such *termination* or during such *furlough* no right to compensation for services or claim for damages by reason of such termination or furlough exists; and in such case of reduction of hours compensation is due at the prescribed rate only for the actual time of service. The right to *suspend* work during the *usual*

holidays is equally well established; and until the joint resolution of April 16, 1880, gave a right to compensation for the days therein enumerated and under the circumstances therein stated, none was ever paid for the time lost by the suspension.

The Public Printer may, in the exercise of a reasonable discretion, suspend all work for a time, when the good of the service or the public interest or other controlling circumstance so requires, without thereby imposing any liability on the Government.

Employés entering upon service under the Public Printer are by the *usage* referred to notified that their services, and, consequently, their right to compensation, are liable to be interrupted in the several modes and under the circumstances stated. They are chargeable with a knowledge of the law that the Public Printer may do whatever the public interest or the necessities of the service may require, even though such interest or necessities may for a time suspend the opportunity for service and the right to compensation on the part of the employés under him.

But when there is no *express contract* reserving a right to the Public Printer to suspend work in other cases and for other reasons than those named, and there is no usage from which employés may expect the exercise of such right, any other unforeseen and not absolutely necessary suspension must operate as a surprise, must defeat the anticipations which their employment and the nature of the work had created, and so violate their understanding of the nature of their employment. Whatever reasonable men are led to expect from the character of their employment and the general usages affecting it is an implied part of the contract of employment.

Assuming the right of the Public Printer to dismiss or furlough employés and to reduce the hours of service in the cases enumerated, and for any of the reasons stated, this right does not meet the case or questions now presented.

The Public Printer did not *dismiss* any employé from the service, he did not *furlough* any of them as a necessity of the public service, nor did he, by reason of such necessity, reduce the hours of daily employment; but, on the contrary, he, during a period of three and a half working-days, besides the "day of humiliation and mourning," merely deprived the employés of the opportunity

to work, and unless they can be paid the reasonable sum they might have earned they must suffer by reason of enforced and unexpected idleness.

If this enforced idleness was justified by any reason which the law can recognize, the employés must suffer the loss. The occasion was the recent death of the President and the lying in state of his remains for public observation in the rotunda of the Capitol during the general period of mourning. It is not claimed that the *contract* of employment *expressly* reserved a right to suspend work on such occasion. Of course there was no *usage* applicable to such case. It is not perceived, and certainly it is not shown, how any *public interest* required the suspension. There was no general suspension of the work of all the Departments of the Government, or of private printing establishments, or of citizens of the United States, or of the District of Columbia, during the whole period mentioned. The President's proclamation may well be accepted as the proper measure of public respect. It prescribed for the suspension of business one day.

The statute declares that "from the 1st day of October until the 1st day of April, in each year, all the bureaus and offices * * * shall be open for the transaction of the public business at least eight hours in each day * * *." (Rev. Stats. 162.) This does not in terms apply to the Government Printing Office, but it establishes a policy applicable to it. The Printing Office is a very important branch of the public service, and is in many respects auxiliary to the regular Executive Departments.

There is nothing in the prescribed rate of compensation which gives the Public Printer a right to suspend the work. The Government agreed to pay (1) certain compositors 50 cents per thousand ems for whatever work they might perform, and (2) others 40 cents an hour during the time they worked, and (3) some employés a fixed price per day. But in each case there was a fairly implied agreement that each employé should have *continuous employment*, subject to no *interruptions* other than those referred to as being fixed by *usage* or authorized by the public interest, the necessities of the service, or other controlling circumstance affording a reasonable justification therefor, as, *e. g.*, pestilence, conflagration, riot, or other similar cause. The printed

notice posted in the Government Printing Office on September 21st seems to carry the inference that the suspension of the work was *unusual* and *unexpected* by employés (as, from the nature of the occasion, it was), and hence that it was not such a suspension as was contemplated in the contract of employment. It expressly recognizes the justice of a claim for compensation, but assumes that the law has denied the means of securing this object. The suspension of the work was undoubtedly the result of a generous impulse on the part of the experienced and able public officer who made it, and who, while careful not to exceed his authority in making payment, has employed the proper agency and shown a liberal disposition to secure justice to the employés. The suspension during the period not covered by the President's proclamation, however well intended as an expression of generous respect for the deceased President on the part of an officer in sympathy with the feelings of a nation and of a local community stricken with grief, was still neither a *legal necessity* nor in pursuance of any authority reserved in the contract of employment or authorized by usage or other controlling circumstance. But, however good or praiseworthy the motive, it resulted in depriving the employés of a right to earn compensation to which, by the contract and the law, they were entitled.

IV.—On the part of those persons employed in continuous service by the day, hour, or fixed price for piece-work, there is no right to compensation for the day fixed by the President's proclamation "as a day of humiliation and mourning."

The proclamation declared that, "in obedience to sacred duty, and in accordance with the desire of the people," the President appointed the 26th day of September, "on which day the remains of our honored and beloved dead will be consigned to, their last resting-place on earth, to be observed throughout the United States as a day of humiliation and mourning"; and that he recommended "all the people to assemble on that day in their respective places of Divine worship, there to render alike their tribute of sorrowful submission to the will of Almighty God, and of reverence and love for the memory and character of our late Chief Magistrate."

The proclamation did not seek to enforce obedience to its

recommendations, but there can be no doubt that the day was set apart for the purpose stated in obedience to *duty* and the *desire* of the people. It may be assumed as a usage that the people respect and obey the proclamations of the President. The usages of the people become law. Bouvier says the common law is "the will of the people"—"the deliberate will of a free people." Kent says "the common law includes those principles, usages, and rules of action applicable to the government and security of person and property which do not rest for their authority upon any express and positive declaration of the will of the legislature." It may be conceded that the proclamation did not have precisely the force of common law, but it was justified by "a decent respect to the opinions of mankind." It created a holiday in the solemn sense of the word. It was such a *controlling element* that the Public Printer might, in reason and in law, regard it as a command, or at least as a justification, for suspending work during that day. If he had not suspended work on that day he would have done violence to the feelings of the whole people. In view of all this, the assent of the employés in the Government Printing Office to the suspension of the work for that day may, in reason and law, be assumed. It is true the Public Printer did not by reason of the proclamation originally suspend the work for that day, but he anticipated it, thus giving in advance the highest evidence of respect for the will of the people. The suspension of the work for that day having been made with the express assent of the Public Printer and the implied assent of the employés, the latter can be paid no compensation for that day unless by *force of statute, contract, or usage*. There is no statute which gives a right to such compensation. The joint resolution of April 16, 1880, gives a right to compensation under some circumstances for holidays therein named. One of these is the *usual annual* "day of jubilee, public fast, or thanksgiving." It is evident that this is not a "day of humiliation and mourning."

It cannot be claimed that the contract of employment required payment for days on which by *mutual agreement* no work was done. As to compositors, printers, and binders, the statute gives no authority to make a contract to pay for *such* time. It con-

templates actual service, and those who claim pay under it must render or tender service, unless the tender be unnecessary because of notice that service would not be accepted. It is competent to show a *usage* to pay for holidays in the case of employés engaged for a *prescribed time*, * * * but no such usage is shown in this case.

The joint resolution of April 16, 1880 (21 Stats. 304), was passed because there was no such usage as to ordinary holidays.

The joint resolution of May 31, 1880 (21 Stats. 307), recognizes the right of the President to issue a proclamation "closing all [Executive] Departments, * * * *including the Government Printing Office*," on "Decoration Day." It might be argued with great force that these resolutions should be construed as indicating an intention on the part of Congress to confer on employés in the Government Printing Office the same rights that are enjoyed by employés in the Executive Departments in respect of pay for all days on which the Departments and Printing Office are closed by Executive order or proclamation, and hence that the employés of the Government Printing Office are entitled to be paid for the 26th day of September; in other words, that these resolutions recognize the practice of the Executive Departments in respect of paying employés for such days as a *lawful custom*, and that the intent was to make that custom applicable to contracts for service in the Printing Office. The laws authorizing pay to officers and employés should, when there is any doubt as to their meaning, be construed in favor of the officers and employés. * * *

This rule applies, however, only when the statute or statutes admit of two interpretations; and such interpretations do not seem to be permissible in respect of these resolutions, since they provide expressly for certain named days. They cannot be extended to include other days. *Expressio unius est exclusio alterius*.

It must, therefore, be held that the persons employed in the Government Printing Office under contract to be paid for actual work done or actual time employed are not entitled to compensation for the 26th day of September.

V.—Accounting officers of the Treasury have no jurisdiction over claims for unliquidated damages sounding in tort; but, excepting uncertain damages resting in opinion, and not accu-

rately ascertainable by evidence and computation, the proper accounting officers have, under sections 236, 269, 277, and 317 of the Revised Statutes, authority to allow claims for damages not sounding in tort, when there is an appropriation available. Damages not sounding in tort arise in different classes of cases, and are of different kinds, among which are liquidated and unliquidated damages. Thus, it is said that when parties agree upon a sum which shall be the damages which he who violates the contract shall pay to the other, the damages thus agreed upon beforehand, when sanctioned by, or not in violation of, the law, are called *liquidated damages*. (3 Pars. Cont. 156; 2 Chit. Cont. 11th Am. ed. 1317) Again, liquidated damages are defined as those "whose amount has been determined by anticipatory agreement between the parties." (Bouv. Dict.) So, if the circumstances make the contract price the measure of damages, that price constitutes liquidated damages. "*Unliquidated damages*" are those which are unascertained, such as require evidence to fix the amount which should be allowed. These damages arise in different classes of cases. Thus, in some cases they rest, in a large measure, on opinion, or they "depend upon the peculiar circumstances of each particular case, which cannot be ascertained by calculation or computation, as (1) damage for not using a farm in a workmanlike manner, (2) for not building a house in a good and sufficiently strong manner, (3) on warranty in the sale of a horse, (4) for not skillfully amputating a limb, and (5) other cases of like character." * * * In many cases of unliquidated damages the amount is ascertainable upon proper evidence by computation. Thus, it is said, "where * * * the damages are capable of being certainly known and estimated" the injured party is not limited to a prescribed penalty. * * * The maxim that *Id certum est quod certum reddi potest* applies in such case.

Unliquidated damages sounding in tort are not the subject of an "account."

Bouvier defines an "account" as "a detailed statement of the mutual demands *in the nature of debt* and credit between parties, arising out of contracts or some fiduciary relation." * * * He defines "debt" as "a sum of money due by certain and express

agreement." * * * Damages, on the contrary, are given as a compensation, recompense, or satisfaction for an *injury* actually received. * * *

While the statutes which give the First Auditor and First Comptroller jurisdiction do not extend to claims for unliquidated damages sounding in tort, nor to uncertain damages resting in opinion and not ascertainable by evidence and computation, they clearly *do* give jurisdiction of claims for damages not sounding in tort, the just amount of which may be ascertainable from the circumstances of the case.

The Revised Statutes provide as follows:

"SEC. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury."

There is, in practice, no mode for settling and paying a claim against the United States other than by stating an account therefor, and certifying that a balance is due the claimant. (Senate-Disbursement case, *ante*, 404, 407.) Until this is done, no warrant authorizing payment can issue. As the accounting officers are alone authorized to state and settle the public accounts which are adjusted "in the Department of the Treasury," and certify the balances due, it follows that they have jurisdiction over all claims against the United States which are to be settled and adjusted "in the Department of the Treasury."

The Revised Statutes provide:

"SEC. 269. It shall be the duty of the First Comptroller:
* * * To examine all accounts settled by the First Auditor * * *"

"SEC. 277. * * * The First Auditor shall receive and examine all *accounts* accruing in the Treasury Department * * *"

1. The language of the statutes applies only to *accounts* and to claims which may properly be made the subject of an account, and not to claims for damages for breach of contract sounding in tort. It is true that section 236 of the Revised Statutes refers to "all claims and demands," but, taking in view all the provisions together, the words may be aptly restricted to claims for money due and ascertainable under contract, upon the maxim that

“general words may be aptly restrained according to the subject-matter.” * * *

2. This view is sustained by repeated opinions of the Attorneys-General. Thus, on the 7th of June, 1854, Attorney-General Cushing, in an elaborate opinion, held that “the Comptrollers and Auditors of the Treasury have no general authority to award damages as for tort on contract broken; their jurisdiction is confined to matters of *account* arising *ex contractu*, or by operation of law.” He shows that “an auditor is he who *audits*, and is defined to be a person appointed or authorized to *examine an account*, compare the charges with the vouchers, hear the parties, allow or reject charges, and state the balance. To audit is to examine and adjust an *account*.” * * * In the various forms and uses of the term *account* “there is exclusion of the idea of *damages*, *the amount of which is not the result of computation merely, but involves other considerations, and especially the determination of indemnity for breach of contract, sounding in tort, and depending on various premises of law and fact*.” * * *

3. Uniform *usage* long continued has settled the construction of the statutes cited. It was said in 1854, in the opinion of Attorney-General Cushing, just cited, that “it would be an unheard-of thing for an auditor, appointed to audit an account, to enter into a question of unliquidated damages [sounding in tort] for breach of contract.” * * *

This usage has prevailed ever since. (Digest, Second Comptroller Brodhead’s Decisions, pp. 29, 53.)

There may be some claims growing out of breach of contract which can be paid as for “sums actually expended and lost” in part execution of a contract, and others of like character. But it would be a very large power to award damages in all cases of claims founded on contracts broken by the refusal to receive goods or services tendered according to contract, where the claim is one sounding in tort. Such power has, as far as can be ascertained, not been exercised by the accounting officers. The fact that accounting officers have not exercised it may be regarded as evidence of long-settled construction that they were not clothed with a jurisdiction to assess damages in such cases.

In the courts three remedies are open to an employé rendering

service at fixed wages who is wrongfully dismissed or wrongfully prevented from performing his contract, either one of which he may pursue, to wit: (1) Treat the contract of employment as *rescinded*, and sue in debt or assumpsit for the wages due; (2) at the end of the contract period of service, or time when wages become due, sue and recover damages; (3) without waiting until the expiration of the contract period, immediately sue for any *special injury* sustained in consequence of a *breach* of the contract in being denied the privilege of performance.

In the first and second cases stated, the claims would usually be for *liquidated* damages—a mere matter of account; in the other case the claim would be for *unliquidated* damages. In the last case stated, the claim may be for the amount of the wages the claimant might have earned under the contract, less the amount he might have earned elsewhere. Such amount is uncertain, and depends on evidence. The authority of accounting officers to take jurisdiction of such case is not now presented for decision.

VI. The claim of the employés in the case under consideration is, upon the facts stated, so far liquidated damages as to be within the jurisdiction of the accounting officers. Their claim is based on a continuous contract of service, but they were not dismissed from employment. Service was interrupted without their consent. They were, however, expected to be (as in fact they were) in readiness to return to work at any time, notwithstanding the suspension; and, in the mean time, so far as appears, they were not, and could not have been, employed here at their respective occupations or trades.

1. When an employé under a contract for continuous service is, without his consent, temporarily and without sufficient excuse interrupted in his work by his employer, the contract of service remains in force. The employé is required by his contract to be in readiness for duty on call; he is, therefore, entitled during such interruption to payment at the contract rate of wages. His claim in such case is not for uncertain, unliquidated damages, but for the contract compensation. This principle is sustained in many cases. Thus in *Little vs. Mercer* (9 Mo. 218) the action was debt upon a sealed instrument to recover the price agreed to be paid to plaintiff for building the abutment of a bridge. The

ployé commenced the work, and would have completed it, but was prevented by the employer. It was not alleged that the plaintiff could, or did, procure employment elsewhere during the time requisite to complete the work. The court said "the plaintiff could sue on the covenant and recover the contract price of the *work* as though it had been completed." In a similar case, *Clendennen v. Paulsel* (3 Mo. 230), the court said the employé "might have sued on the *covenant* and have alleged the prevention, in which case he would have been entitled to his money as if he had performed his covenant." In *Helm v. Wilson* (4 Mo. 41) it was said: "It is a general rule of law that a contract must be performed according to the terms of the agreement before the party can have any right of action. This rule, however, is subject to some qualifications. One is, that if the other party will prevent the execution of the agreement, then the action will lie, and the plaintiff's right to recover is as complete as if the contract had been fully executed." The same rule has been applied in New York, where it has been held that "where one contracts to employ another for a certain time at a specified compensation, and discharges him without cause before the expiration of the time, he is, in general, bound to pay the full amount of wages for the whole time." * * * The case of *Dillon v. Anderson* (43 N. Y. 231), in which the opinion was delivered by a learned judge who is now Secretary of the Treasury, though not on the exact question, throws much light on principles in accord with those stated. The United States is generally held to the same liability upon contracts as individuals. * * * There is, of course, a difference in principle between contracts for *personal services* and those for supplying materials. A party who contracts to supply materials which are tendered but not received, does not necessarily lose them, and when he does not he cannot recover full value.

As to employés under a contract for continuous service on an agreed compensation per day, month, or hour, no doubt exists concerning their right to *full* payment. It is not shown that there was, by contract or usage, a right, unnecessarily and without adequate cause, to suspend work in the Government Printing Office at the end of any day, month, or hour. It may be urged

that the rule of compensation, or of "damages against the employer for the breach of a contract to perform mechanical work by the piece, is different," and that this rule should be applied to compositors employed at 50 cents per thousand ems actually set. * * * Undoubtedly, if the employer by contract *reserve a right to suspend work or to terminate a contract when any piece of work is finished*, he may do so without incurring a liability to damage. So, if a party agree to furnish materials and make a given number of articles, and his contract is terminated and he does not furnish all the materials, he is clearly not entitled to payment for the materials not furnished. * * * But a printer paid by the month on continuous service upon an agreed compensation of 50 cents per thousand ems occupies no such position. The mode of ascertaining the rate of his compensation does not, in the absence of a special agreement or usage, abridge his right to continuous employment. By every principle of reason he is entitled to the wages he might have earned.

2 The act of the Public Printer was not a tort. It is well settled that "the Government is not responsible for the malfeasance, or wrongs, or neglects, or omissions of duty of the subordinate officers or agents employed in the public service." * * * This rule exempts the Government from liability in those cases in which, as between private persons, relief would be sought in courts in actions of tort, or *ex delicto*. It has no application when the action is *ex contractu*. * * *

If the employés who were denied the privilege of rendering service consented to the suspension of work, they would have no claim to any remuneration. *Volenti fit non injuria*. * * * It is not alleged that they were consulted or asked to consent; and in fact they did not consent.

3. If any employé was *unable* during the period of suspension to render service, he suffered no damage by the suspension, and can receive no remuneration. * * *

Subject to the limitations and qualifications stated, the right of the employés in the Government Printing Office to remuneration for the loss they respectively sustained by the suspension of the work on the days in question, is well supported by law. The law which gives such right to remuneration is reasonable and

just. It would be strange indeed if an employer, whether a private citizen, a corporation, or the Government, could make a contract giving an employé the right to earn wages in a continuous service, or for a fixed time, and afterwards while the employé is at work turn him out, close the door on him without his consent, deny him the privilege agreed upon, and then turn about and say to him, "You performed no 'piece-work' or 'time-work,' and shall therefore have neither the stipulated compensation nor any money in lieu of that which you might have earned." The public service, as well as private, is promoted by justice and fair dealing. An exact observance of contracts affords the surest means of securing *competent, faithful* employés, and at reasonable rates of wages. If they must incur hazards, they will inevitably indemnify themselves against loss by demanding greater wages. If officers intrusted with the power to make contracts of employment deem it just to avoid liability on the part of the Government in cases of suspended work, contracts can be made accordingly.

VII.—Congress has made no express appropriation for the payment of claims for unliquidated damages. The current appropriation for public printing is, however, applicable to the payment of *wages* to which employés are entitled by contract. The act of March 3, 1881 (21 Stats. 455), under the caption of "public printing and binding," makes an appropriation as follows: "For the *public printing*, for the *public binding*, and for *paper for the public printing*, including the cost of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, and for all the necessary materials which may be needed in the prosecution of the work, one million seven hundred thousand dollars * * *."

Accidents may interrupt employment, and if, in such cases, it is intended that the loss of time should fall on employés, such intention may be shown by *contract* or *usage*. It is well known that private printing establishments in similar cases frequently, pursuant to contract, pay men for time unemployed, when the

business is temporarily suspended. It may well be supposed that Congress in creating the office of Public Printer designed to give him the powers necessary in the management of a great office. One of the rules of the Printers' Typographical Union of the District of Columbia is as follows: "When compositors employed by the piece are compelled to be idle for want of letter, copy, or any other cause, 40 cents per hour shall be charged: *Provided*, That this rule shall not apply if the employer does not require the compositors to remain in or near the office."

This rule, if consented to either *expressly* or by *usage*, may become a part of the contract of employment. Whether this rule applies to the Government Printing Office, or whether any such usage exists as to it, does not appear. Whether it does or not, the Government can afford to be as just and liberal as any private employer in the District of Columbia. But the right does not depend on this rule; it exists by contract, and the contract is to be construed liberally.

The conclusion is that employes in the Government Printing Office, serving under continuous contracts, who were on the days in question without their assent, and without such reason as the law sanctions, suspended from work, but required to be in readiness to resume it, who neither could nor did secure employment in the mean time, and who in no respect violated the contract of employment on their part, are, in the absence of any usage in such case excluding the right to compensation, entitled to the payment of such wages as might have been earned during the period of suspension. Time-work can be estimated for the legal day of eight hours. Piece-work can be estimated by the usual amount performed when in service.

Payment by the Public Printer in accordance with this conclusion, on rolls by him certified, will be deemed valid, and such rolls will be allowed as vouchers in his accounts as disbursing officer. It is not required that the certificate shall show the performance of work, but only the amount to which each employé is entitled in accordance with this opinion.

The Public Printer will be advised accordingly.

TREASURY DEPARTMENT,

First Comptroller's Office, December 3, 1881.

NOTE.—The Public Printer, notwithstanding this opinion of the Comptroller, declined to pay the employés for any part of the time in which work was suspended by him. January 31, 1881, Hon. A. S. McClure, from the Committee on Printing, submitted a report (No. 166, 1st. sess. 47th Cong.) in the House of Representatives, in favor of allowing payment of compensation to the employés in the Government Printing Office for the whole time lost by the suspension of work. The report was adopted, and a joint resolution was passed, approved July 12, 1882, by which the Public Printer was “directed to pay the employés of the Government Printing Office the pay deducted from them for the time lost during the obsequies of the late President James A. Garfield, during the month of September, 1881.”

[3 Lawrence Compt. Dec. p. 92.]

IN THE MATTER OF THE AUTHORITY TO MAKE A CONTRACT,
WITHOUT ADVERTISING, FOR PRINTING LITHOGRAPHIC
PLATES FOR REPORT OF THE COMMISSIONER OF AGRICUL-
TURE FOR THE YEAR 1880.—EXIGENCY CASE.

1. When a contract is made by which a party agrees to furnish a specified number of engravings to the Government to be delivered in monthly installments at a specified rate per 100 sets, full performance is a condition precedent to the right to payment.
2. When the authority of the officer who made such contract continues, he and the contractor may correct the contract so as to conform to the intention of the contracting parties, and require payment in installments.
3. Section 3780 of the Revised Statutes requires the work of lithographing and engraving plates for public documents to be let by the Public Printer to the lowest bidder after advertisement, but also authorizes him to make immediate contracts, under the direction of the Joint Committee on Public Printing, when, in their opinion, the exigencies of the public service do not justify advertisement for proposals. On March 1, 1881, the committee gave the Public Printer authority to make a contract without advertisement, but the contract was not made until July 2, 1882. Held: (1) The judgment of the committee is conclusive as to the existence of the exigency which justified the making of a contract without advertisement. (2) But as the contract was not made “immediately,” or within such reasonable time as might be regarded as within the meaning of that term, it was made without authority of law, and is void. No officer was authorized to ratify, and hence the acceptance by the Public Printer of the plates printed under the contract imposes no liability on the United States. (3) Time is the controlling element in exercising the power to decide if an exigency exists.

- 4 Under 3732 of the Revised Statutes an authorized contract for supplies may be made in advance of, and contingent on, the making of an appropriation to pay therefor.
5. Contracts requiring expenditures in excess of appropriations are as to such excess void.
6. The Government is not generally estopped from denying the validity of unauthorized contracts made by its officers.
7. Every person is bound at his peril to know the extent of the authority of public officers.
- 8 Contracts made on behalf of the Government, either without authority of law or in violation of law, are generally void.
9. A statute which requires a public contract to be reduced to writing is mandatory. Executory contracts made under such statute, but not reduced to writing, cannot be enforced.
10. When supplies are furnished to the United States under a void contract, and there is no authorized ratification thereof, the fact that such supplies have been applied to the beneficial use of the United States gives no right to compensation as upon a *quantum valebant*. As between private citizens a right to compensation would exist, because the party receiving the supplies thereby impliedly promises to pay their value. But the United States is not so bound, because no officer is authorized to ratify, and the principle applies that "ordinarily no man can make himself the creditor of the Government by an act of his own."

The joint resolution of March 2, 1881 (21 Stat. 520), authorized the printing of 300,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1880. It is the duty of the Public Printer to purchase all materials and machinery which shall be necessary for the Government Printing Office; to take charge of all matter which is to be printed, engraved, lithographed or bound; to keep an account thereof in the order in which it is received, and to cause the work to be promptly executed; to superintend all printing and binding done at the Government Printing Office, and to see that the sheets or volumes are promptly delivered to the officer who is authorized to receive them. (Rev. Stats. 3760.)

Whenever any charts, maps, diagrams, views or other engravings are required to illustrate any document ordered to be printed by either house of Congress, such engravings are to be procured by the Public Printer under the direction and supervision of the Committee on Printing of the House ordering the same. (Rev.

Stats. 3779.) When the probable cost of such charts, maps, &c., exceeds \$250, the lithography and engraving is to be awarded to the lowest and best bidder, after advertisement by the Public Printer, under the direction of the Joint Committee on Public Printing. But the committee may authorize him to make immediate contracts for lithographing or engraving, whenever, in their opinion, the exigencies of the public service do not justify advertisement for proposals. (Rev. Stats. 3780.)

March 1, 1881, and before the passage of the resolution referred to, the Joint Committee on Public Printing authorized the Public Printer to contract, without advertising, for a large number of expensive lithographic plates for the said annual report.

July 1, 1881, Messrs. A. Hoen & Co., of Baltimore, submitted a written proposal to do the work for \$96,000, and their proposal was accepted by the Public Printer July 2, 1881.

Appropriations for the Government Printing Office were made for the fiscal year ending June 30, 1882, by the act of March 3, 1881. (21 Stat. 455.)

February 16, 1882, the Public Printer says: "The contract was not made with Hoen & Co. until the 1st of July last, because the appropriation for public printing and binding would not justify it" (See Congressional Record, December 21, 1881; also Senate Mis. Doc. No. 20, Forty-seventh Congress, first session, December 20, 1881.)

The contract is as follows:

BALTIMORE, *July* 1, 1881.

HON. JOHN D. DEFREES,
Public Printer, Washington, D. C.:

DEAR SIR: The undersigned respectfully propose to print in their superior lithocaustic process, and furnish 300,000 copies each of the twenty-two (22) colored and twenty-nine (29) plain illustrations of the Diseases of Domestic Animals, more particularly enumerated in their proposal for Special Report No. 34, and at the same rate as therein proposed of \$27.20-100 per 100 sets; and also lithograph 300,000 copies of each of the thirteen (13) colored, and one (1) plain illustrations for the Chemists' Report at the rate of \$4.80-100 per 100 sets; being the sixty-five (65) plates (35 colored and 30 plain) accompanying the Report of the Commissioner of Agriculture for the year 1880, and amount-

ing in the aggregate to \$96,000; and to deliver the same in such monthly installments as you may direct.

We are, respectfully, your obedient servants,

A. HOEN & Co.

The above proposition is accepted July 2, 1881.

JOHN D. DEFREES,
Public Printer.

Hoen & Co. proceeded to execute the contract, and, January 23, 1882, presented to the Public Printer a voucher for work performed from November 16, 1881, to January 9, 1882, for lithographing and printing 50,000 copies each of the fifty-one plates to accompany the article on "Diseases of Domestic Animals" at \$27.20 per 100 sets, \$13,600; and for 50,000 copies each of fourteen plates to accompany the report of the chemist, at \$4.80 per 100 sets, \$2,400. This voucher was approved by the Public Printer, and referred to the First Auditor. The latter stated an account thereon, per Report No. 228,775, dated January 27, 1882, on which he certified as follows:

(No. 228,775. Recorded January 27, 1882.)

TREASURY DEPARTMENT,
FIRST AUDITOR'S OFFICE,
January 27, 1882.

I hereby certify that I have examined and adjusted an account between the United States and A. Hoen & Co. of Baltimore, Md., in amount, \$16,000, for lithographing and printing plates to accompany the Report of the Commissioner of Agriculture for 1880, and find nothing legally due them, no proper evidence having been furnished that the provisions of section 3780, Revised Statutes, have been complied with.

No evidence is filed in this case showing that an exigency existed when permission was given by the Joint Committee, nor does the certificate recite the fact. The letter of said committee to the Public Printer, a copy of which is transmitted herewith, and under authority of which said work is claimed to have been done, would seem to have no reference to the 300,000 copies of the Agricultural Report authorized to be printed by the joint resolution of March 2, 1881, from the fact that it bears date March 1, 1881, *one day prior to the existence of said resolution*, as appears from the statement and vouchers herewith transmitted for the decision of the First Comptroller of the Treasury thereon.

R. M. REYNOLDS,
First Auditor.

The account and vouchers are now submitted to the First Comptroller for his decision.

Hon. William Pinkney Whyte, for the claimants, made an oral argument, and presented a brief, making these points: "The discretion is lodged with the Joint Committee who authorized the making of a contract; and whenever the work is of that character that the public service can be better served by direct contract than by advertising, they are alone vested with authority to determine when the proper exigency exists. Once decided by the committee, its opinion becomes the law of the case. They so decided, and gave authority for an immediate contract as of March 1, 1881. The question arises, how long could that order for an immediate contract last? The answer is, until the Printer was in condition to execute it. He could not make any contract for the work until he had the manuscript of the report, and knew exactly what plates were required. The report was not delivered to the Public Printer until June 27, 1881. (See Senate Mis. Doc. No. 20, first session Forty-seventh Congress.)

"There was no Joint Committee in June, 1881, because the Forty-sixth Congress closed on March 4 of that year, and no advertisement could have been made under their direction, or awards of bids by them at that time; so that the only authority under the law to guide the Public Printer was the order to make contract given by the Joint Committee March 1, 1881.

"Again, there was no appropriation available until July 1, 1881. The word 'immediate' was not understood by the committee to mean instantaneous, but was interpreted in its real sense, without anything in medio, that is, between, to wit, a contract without any advertisement between the resolution for printing and its execution. This was the sense in which the committee supposed the law-makers intended it to be understood; and it is the literal sense, as the word is used by lexicographers, so that time is not to be considered, but the intervention of anything between the order and its execution."

DECISION BY WILLIAM LAWRENCE, *First Comptroller*.

There are several grounds upon which this claim cannot be paid:

I. Assuming that the contract in question is valid, and that

the sum now claimed for the work performed is a ratable proportion of the price of the work agreed to be done, there is no provision requiring payment in installments (Rev. Stat. 3648); and the result is that payment cannot be required until the contract is fully performed on the part of the claimants. The agreements by the claimant to perform work, and of the Government to pay therefor, are mutual and dependent; and full performance of the former is a condition precedent to the right to payment. * * *

The fact that the contract was not fully performed is not of itself sufficient ground for a formal certification by the Auditor that nothing is legally due to the contractors. In such case the item claimed should, unless the contract has been terminated, be suspended until full performance on the part of the contractors. But it is probable that the claimants and the Public Printer supposed and intended that payment should be made in installments for the work performed. If so, they would now be permitted to make the written contract conform to the real intention of the parties; carefully observing, however, the requirements of section 3648 of the Revised Statutes, that "payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment." The executive officers who are authorized to "settle and adjust" claims (Rev. Stat. 236) have power to ascertain what installments of payment are due according to the real intention of the parties to the contract; but it is their duty to require very clear proof of any intention to pay by installments before they will depart from the exact legal effect of the words used in a contract.

II. No payment can be made under this contract, because it is void.

The statute provides that, in such case as this, the lithographing of plates and the printing therefrom "shall be awarded to the lowest and best bidder after advertisement by the Public Printer, under the direction of the Joint Committee on Public Printing." The Joint Committee may, however, authorize the Public Printer to make "immediate contracts for lithographing or engraving whenever, in their opinion, the exigencies of the public service do not justify advertisements for proposals." (Rev. Stat. 3780.) On March 1, 1881, the committee gave the Public Printer au-

thority to make a contract without advertisement, but the contract was not made until July 2. On the law and facts stated the question arises, was the contract a valid one?

It may be conceded that the discretion of the Joint Committee, when exercised, is conclusive as to the propriety of making a contract without advertisement for proposals. * * * It may not be material that the authority was given March 1, after the passage of the joint resolution but before its approval, March 2. * * *

But for other reasons the so-called contract is void.

1. It was made without authority. The power of the committee was given by the statute in order to authorize the Public Printer to make "immediate contracts." It cannot be said that an authority given on March 1st or 2d to make an immediate contract, either continues or is exercised in making a contract, as in this case, four months afterwards. * * * It would do violence to the word "immediate" to hold that it can be extended to cover a period of four months. An exigency cannot be presumed to exist, because the statute requires, as evidence of its existence, the assent of the Joint Committee. The law does not presume the continuance of the exigency, because the statute provides that it shall be met by an immediate contract. An assent given on March 2d cannot be presumed to continue to July 2d, since it was given for immediate action only. "The law requiring advertisements and proposals for public contracts obviously was intended by Congress to invite competition among bidders, and to prevent favoritism and fraudulent combinations in awarding contracts," * * * and, therefore, in order to provide in exceptional cases for exigencies in the public service, when a contract should be made immediately for materials or services, section 3780 of the Revised Statutes gives discretionary authority to the Joint Committee to waive in such cases the general provision of law requiring advertising. A delay of four months is, in the absence of any evidence of the continued assent of the committee to an exigency requiring a contract without advertising, beyond any reasonable purpose of the statute. The Joint Committee could have given no assent after March 4, 1881, because the Forty-sixth Congress expired on that day, and the House of Representatives could have had no members on that committee.

until the meeting of the Forty-seventh Congress in December, 1881.

The question as to what is an exigency, and the effect of contracts made under statutes of this character, have been considered in many cases. The language of the statute, as well as the authorities, regard the "exigency" as one requiring immediate service.

In *Veazie Bank vs. Fenno*, Mr. Chief Justice Chase uses the word "exigencies" in the sense of meaning an immediate pressing necessity; one requiring a resort to unusual powers and efforts. This is evidently the meaning of the same word in section 3780 of the Revised Statutes, which requires "advertisement by the Public Printer, under the direction of the Joint Committee on Public Printing."

If some specified person is ready to make a contract, and none other can be found to perform it, this may constitute an exigency, if there be an immediate necessity for the service required to be performed; but if there be no pressing necessity, the statute requires an advertisement for proposals; and, obviously, when a pressing necessity exists, such necessity requires that a contract be made at the earliest convenient and reasonable time. Assuming, what would seem improbable, that when there is ample time for advertisement and no advertisement has been made, these conditions might be decided to be an "exigency," and that the Joint Committee had authorized the contract to be made at any time, still the law has not given such authority to the committee. Time is expressly made an element in the exercise of the power. If the owner of stocks should authorize a broker to sell them immediately, would any court hold that the authority continued four months? The fact that the manuscript was not furnished earlier to the Public Printer cannot change the effect of the statute, nor create an authority which he did not have when he received it.

2. The delay in making the contract is not justified by the fact that the appropriation from which payment was to be made did not become available until July 1st, because the authority to make the contract was given on March 2d. As a question of expediency, it may, in the absence of any explanation, be presumed that the contract should then have been made within a reasonable

time after the latter date. A contractor who can have four months' time to perform work and prepare engravings before delivery thereof, may often afford to give better terms than if he were required to do similar work on short notice. As a question of law, it would seem that the contract might easily have been made in March for the delivery of the plates on or after July 1st following.

The Revised Statutes provide, in relation to public contracts, that—

SEC. 3732. No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year. * * *

SEC. 3733. No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement, which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose.

The joint resolution of March 2, 1881, authorized the publication of the Agricultural Report with its engravings. The statute intrusted the work to the Public Printer. The contract for engravings, therefore, was, by necessary inference, authorized by the joint resolution. When a duty is imposed by law, the authority to employ all the usual and proper means of executing it is implied, and this includes the necessary contracts in the authorized modes. * * *. When an officer is authorized by law to make a contract which is not for the service of any specific year, he may properly do so contingent on an appropriation, and let the contractor take the risk of its being made. If materials be required for a fiscal year not yet commenced, and, prior to such year, there be an existing authority by law to make a contract for such material, it is competent to make a present contract for delivery, and payment at the beginning of or during the fiscal year; but the payment is to be made contingent upon and from such appropriation as is or may be provided. This involves no liability in conflict with section 3679 of the Revised Statutes, and it is the necessary effect of section 3732 of the Revised Statutes. The

limitation on the power to contract which is imposed in a class of cases by section 3733 recognizes the general rule. The act of June 22, 1874 (18 Stats. 144), prohibiting the renting of certain buildings until an appropriation therefor shall have been made, recognizes the right of officers, authorized by existing law, to make such contracts, generally in anticipation of an appropriation. The propriety of such discretionary power must be manifest, as a measure of public necessity and economy. If contracts for supplies for an approaching fiscal year can only be made until after it has commenced, largely enhanced prices may be exacted and great delay may ensue. When the authority to procure supplies or services rests solely on an appropriation act which is to become available for a named fiscal year, commencing after its passage, and there is no other law giving power to make advance contracts for such supplies or services, it may be more difficult to determine what should be done.

The Revised Statutes provide that—

SEC. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

When an appropriation has been made which is to become available at a fixed future day, adequate provision exists for the execution, after the day fixed, of work authorized to be done thereunder, and for contracts for such work. The advertisement for proposals for such work, or even the making of a contract therefor, does not contemplate any liability on the part of the United States until the appropriation has become available. A strict literal construction of section 3679 might, however, prohibit the making of such a contract prior to the availability of the appropriation; but even such a construction does not forbid taking, before the appropriation has become available, the necessary preliminary steps, such as advertising for and receiving proposals for the making of such a contract when the appropriation becomes available. Such a mode of facilitating the public business is reasonable and expedient. It may frequently be greatly to the interest of the public service, by saving delay, where time

is an element of value, to prepare in such a manner for the execution of important work. In the case of the usual necessary supplies for the public service, for which the appropriations annually made do not become available until the 1st day of July of each year, it is not reasonable to suppose that Congress has forbidden the proper officers of the Government from entering into contracts until weeks or perhaps months have elapsed after the necessity for such supplies has arisen, or that advertisements for proposals cannot in such case be made until the 1st day of July of each year. But it is equally unreasonable to create, by construction, an exigency which will dispense with the wise provision made in respect of advertisements for supplies or services. The requirement as to advertising, and the prohibition in respect of making contracts in excess of appropriations, are each designed for the protection of the public; and it has been held that public contracts which exceed the amount appropriated for the supplies or services contracted for are void. * * *

Where in any case there is no authority by law to make a contract, or no appropriation which implies such authority, no contract can be made which can impose any liability on the Government. This is the necessary effect of the general principles of public policy; and section 3732 of the Revised Statutes is declaratory of these principles and of the common-law rule. * * *

3. The statutory provisions requiring advertising are not directory, they are mandatory; and hence it must be held in the present case that the so-called contract is void.

It is frequently difficult to ascertain whether a statute was intended to be directory or mandatory as applied to private persons, and no very definite rule has been established. It may be said, generally, that when a statute prescribes a preliminary act, as of the essence of something required to be done thereafter, the requirement in respect of the antecedent act is mandatory; but if the antecedent act be unimportant and not essential, the statute is directory. * * * Thus, a provision for the proclamation of a vacancy in an office, and notice of an election to fill it, is mandatory, and an election held without it is void. * * *

The question is one of legislative intent, to be judged of by the language employed, the purpose in view, and the evils to be

avoided. In cases like the present one the language of the statute shows that Congress did not intend that a contract should be made without advertising. It says that the committee may authorize the Public Printer to make immediate contracts without advertising. This is equivalent to saying that if the committee do not so authorize, no contract shall be made without previous advertisement. *Expressio unius est exclusio alterius*. And when authority is given to make an immediate contract, and it is not made until several weeks or months have elapsed, it cannot be said that the committee has authorized it to be made without advertisement. The purpose of the statute, its whole policy, will be defeated if the provision requiring advertising may be disregarded in cases like the present one. The evils to be guarded against require the language of Congress to be respected and obeyed as mandatory, in order to prevent favoritism and fraudulent combinations. The public interest requires free competition in bids for public contracts, and that all parties shall have an open, honest, and equal opportunity to share in the benefits of public work. The authorities show that the statute is to be construed as mandatory. * * *

4. The reasons generally assigned for regarding the duty to advertise as directory only are not well founded.

The duty of officers executing similar statutes requiring advertisement has been repeatedly affirmed. * * * The right to rescind executory contracts made without advertising has been asserted by the Attorneys-General. * * * But it was said by Attorney-General Bates that "after a party has entered into a contract with the Government in good faith [without the advertisement required by law] and has so far performed his part of the same that to rescind it, or declare it illegal, and so incapable of execution, would subject him to loss and injury, whilst the Government would yet enjoy the benefits of his labor or expenditure, the contract cannot be avoided or changed to the injury of the other party by the Government." * * * Attorney-General Devens held that in such a case the contract is obligatory on the United States so far as it may have been executed; but that so far as it is executory and unperformed it may be rescinded. * * *

And it has been further held in this class of cases that

“a contract made without due advertisement is not valid and binding upon the Government; and that the fact that the contractor made in good faith expenditures to enable him to perform the same does not give it validity.” * * * And a decided disapproval was expressed in this opinion of the doctrine previously announced by Attorney-General Bates (10 Op. 416), that although a statute requiring advertising “has been disregarded, yet if the contract has been partially performed, it cannot be deemed void, but must be executed according to its terms.” The opinion that a contract partially executed could not be rescinded by the Government was founded upon the maxim, *feri non debet, sed factum valet*, * * * and upon “the magnitude of the injustice which such an application of the law [asserting a right to rescind] would work.” * * *

In such a conflict of views, it must be conceded that there can be nothing authoritative in the opinion cited, and that the statement once made, that an opinion is “only advisory,” and that officers “are free to follow” their “own convictions” * * * (Crittenden, July 13, 1832), was not entirely out of place. Besides this, the First Comptroller is required to make a *decision* which, when rendered, is conclusive on the executive branch of the Government” (Rev. Stat. 191), and he cannot turn his responsibility over to other officers.

There are several classes of public contracts as to which various questions arise in respect of their validity. Among these the following may be mentioned:

- i. Contracts made without any authority of law.
- ii. Contracts made in violation of a statute or against public policy.
- iii. Contracts by subordinate officers requiring the assent of superior officers.
- iv. Contracts required to be made in writing.
- v. Contracts assigned in violation of law, and performed in whole or in part by assignees.
- vi. Contracts made under a statute requiring advertisement and letting to the lowest bidder.

These questions would generally arise on one or other of the following points: (1) As to the original validity of the contract ;

(2) as to the rights of parties before any performance; (3) as to the right of the Government to rescind after part execution of the contract; and (4) as to the rights of parties after part or full performance of the contract.

There are some well-settled principles which are generally pertinent to these questions.

(a.) The Government is not estopped from denying the validity of the unauthorized acts of its officers. * * *

(b.) Officers cannot generally waive the rights of the United States, or dispense with a requirement of law. * * *

(c.) Every person is bound, at his peril, to know the extent of the authority of public officers. * * *

The rights of the parties are to be considered with these principles in view, in each of the classes of contracts named. And although a contract under one only of the enumerated classes is now under consideration, the principles generally applicable to the others throw light upon the present contract.

I. Contracts made without authority of law are void. * * *
And, generally, a void contract is "ineffectual to fix any liability upon the Government." * * *

II. Contracts made in violation of law are generally void. * * *

III. In some cases contracts can only be made by subordinate officers, subject to the approval of some superior officer. Contracts not so approved generally impose no liability on the United States, unless there be a subsequent authorized ratification. * * *

Where, with the full knowledge of the facts concerning it, a person ratifies an agreement which another person has improperly made, concerning the property of the person ratifying, the latter makes himself a party to the agreement as fully as if he had made the original agreement; and no new consideration is required to support the ratification. * * *

Although this doctrine is well settled, it does not apply to public contracts; because, obviously, no officer or agent of the Government has authority to ratify a contract which, in law, is regarded as an improper one, because of the omission to observe some substantial requirement of law in making it; as, for example, the

omission to advertise for proposals in order that the contract might have been awarded to the lowest bidder.

IV. It is settled that a statute which requires a public contract to be reduced to writing is mandatory; and hence that executory contracts not reduced to writing cannot be enforced. But a party who renders services under such contract, or who furnishes supplies to the Government, is entitled to payment, as upon a *quantum meruit* or *quantum valebant*, unless the contract be void as against law or public policy. * * * But this is upon the ground that as to such contracts the Government occupies, in most respects, the same position as a private party, when performance takes a case out of the statute of frauds, and where effect should be given to the contract, because the officer or agent acting for the Government had authority to make a valid contract, and to accept the services rendered or supplies delivered. * * * The performance which takes cases in which the Government is concerned out of the statute of frauds applies only to such contracts as would be valid if in writing; not to such contracts as this, which is void for want of authority either to make or ratify it. * * *

V. When a public contract has been assigned in violation of the statute, and the assignee has furnished the supplies required by it, it has been held that he is entitled to payment as upon a *quantum meruit*. * * * But there are cases which hold that a contract which is in direct opposition to and in fraud of the law can give no right of action against the United States, either on the contract or for a *quantum meruit* or *quantum valebant*; and that, on grounds of public policy, the liability of the Government does not rest precisely on the same principles which apply as between private citizens. * * * The principles applicable in this class of cases are hereinafter stated. The right to a *quantum meruit* in this class of cases is not defeated upon the ground of the want of power in officers of the Government to make an original contract for the services or supplies, or to bind the Government in an implied contract by acceptance of the service, or by receipt and use of the supplies. Where such acceptances and use are authorized and totally disconnected from an illegal contract, or an illegal assignment of a legal contract, the right to

compensation would seem to be clear. But a party who, as assignee of a contract, furnishes supplies solely by virtue of the assignment, has a claim which, at its inception, is in opposition to and in fraud of the statute, which prohibits such assignments. To allow such a claim would be to defeat the whole policy and purpose of the statute, and to that extent to prejudice the public service. The taint of illegality cannot be severed from the transaction; and payment of the claim would be a premium for the disregard alike of statutes and contracts. * * *

VI. There are sundry statutes requiring advertisements before the making of contracts, some of which provide that in cases of exigency certain officers may dispense with the advertising. * * *

It is well settled that when an officer is authorized to dispense with advertising, and he has done so in the exercise of his discretion, and made a contract for the public service without advertising, the validity of the contract cannot be made to depend on the wisdom or skill which may have accompanied the exercise of the discretion: * * * Cases have already been cited as to the meaning of the word "exigency," and they show, to some extent, the effect upon a contract made when no exigency exists. In Driscoll's case (13 Court Cls. 36), Richardson, J., delivering the opinion of the court, said, in respect of public contracts made without the advertisement required by statute, that "at most the contract was only voidable"; but the language quoted cannot be regarded as authoritative, as judgment in this case was reversed in the Supreme Court on another point of law, and this point was not considered. * * *

If the contract, in this case, was absolutely void, no liability against the United States arises under it. If it was only voidable, not having been avoided, a liability against the United States exists under it. But it is void, because the authority of the Public Printer to make it depended (1) upon a previous advertisement, or (2) on the assent by the Joint Committee at the time the contract was made to dispense with advertising. As neither of these conditions precedent existed, the authority to make the contract never vested in the Public Printer. It has been shown that the statute requiring advertisement before making a public contract is mandatory; it therefore follows that no contract can be valid

without advertisement, unless in the case of an exigency which affords no time for advertisement.

The contract under consideration was never ratified, because no officer had authority to ratify it; and even if it had been ratified, the Government is only bound by the authorized acts of its agents.

VII. Is the Government liable as upon a *quantum valebant*? It is clear there is no such liability: First, because the contract was originally void, and has never been assented to or ratified by the Government; and, second, because the claimant, having assented to a contract in violation of the statute and public policy, is not in a position to ask relief.

1. The United States is a great public political corporation. It can only act by its duly authorized officers or agents, and these officers and agents cannot exceed their authority, either in making contracts, in assenting to or ratifying any irregular or illegal act, or in consenting to receive any pay for goods furnished. * * *

The Government cannot be held liable for goods furnished, unless by previously authorized express or implied contract, or by subsequently authorized assent; for, "ordinarily, no man can make himself the creditor of another by any act of his own unsolicited and purely officious." * * * To hold otherwise, "would place the Government at the mercy of all its agents and officers." * * * If a party volunteer to pay taxes not yet due which have been assessed upon the land of another, without the sanction or approval of the party assessed, the latter cannot be held liable by the former, notwithstanding the pecuniary benefit thereby received.

In this case there was no authorized contract, as already shown. And there has been no authorized ratification of, or assent to, the unauthorized contract, or to the receipt and use of the engravings furnished. The United States can only be made liable in the form it has authorized. The law, which is the power of attorney under which the Public Printer acted, gave but one mode to create a liability. The form by which he could bind the United States was clearly prescribed. This, by necessary implication, excluded his right to bind the United States in any other. But it is not

necessary to resort to this implication. There was an absence of authority to bind the Government by the contract which he, in form, made. There has been no authorized ratification.

The receipt of the printed matter by the Public Printer is not a ratification of the original contract; because he had no authority to so ratify it. Such receipt creates no implied contract or liability, because the Public Printer had no authority to make in this form an express contract, much less an implied one. He was not authorized to receive or use the printed matter furnished by the claimants, because the law prescribed another, a different, and the only mode by which he was authorized to procure it. It has, indeed, been used for the benefit of the United States, but against its expressed will, and in violation of law.

The Government may be bound in the same forms as private parties, by its officers, when they are authorized to enter into a contract without the formality of advertising. Similarly when they are authorized to receive and use goods, the Government may be bound therefor. * * * Where there is no authorized contract express or implied, and there has been no authorized use of the printed matter, but on the contrary a clear violation of law in all that has been done, no *quantum valebant* can arise. It has been shown that the original contract was void because of want of advertisement, void for want of power to make it, void as against the language of the statute, void as against its policy, hence any attempt to ratify it without authority must be equally void. The power to ratify an agreement can only exist when there is an original power to make it. * * *

Congress alone can create a public liability when there has been no authority given by law to make a contract. * * *

2. The maxim cited in 10 Opinions, page 423—*Fieri non debet, sed factum valet*—It ought not to be done, but when done it is valid, has no application here. * * * This maxim applies as between private persons whose acceptance of work may operate as a ratification of a previous informal contract or by way of estoppel, or raise a new implied contract. * * * But when, as in this case, a contract has been made without authority, the attempt to ratify it, or bind the United States by an acceptance of the work done, would be equally without authority. A rati-

fication can only be made by an officer having power to make the contract in the form required for the original contract. Some statutory requirements must "precede the reception of the material." * * * In *Marsh vs. Fulton County* * * * it appeared that county bonds had been issued without authority, and it was claimed that they had been ratified by the supervisors of the county. The court said: "The supervisors possessed no authority to * * * issue the bonds * * * without the previous sanction of the * * * voters of the county. * * * They could not, therefore, ratify a subscription [issue of bonds] without a vote of the county, because they could not make a subscription in the first instance without such authorization." * * * As the United States could not be charged with a liability without its assent, and as there has been no authorized assent, the claimant can have no relief.

3. "The magnitude of the injustice" in refusing to pay for goods appropriated to the use of the Government, seems to have been relied on to support the right to a *quantum meruit*. * * * But this view of the case substitutes a supposed injustice for statutory authority in order to supply the absence of a requirement of law by supporting a violation of law. If there be any injustice in such a case, Congress is the proper tribunal to appeal to. The discretion of executive officers is not a safe substitute for an act of Congress. While it is their duty to be careful of the rights of citizens, it is not safe for them to overlook the magnitude of the injustice which would be done to the public by giving to a direct violation of law the effect of an act authorized by law. It is better that one man, or many men, should suffer loss, than to establish a rule which would permit favoritism, fraudulent combinations, and corruption to an unlimited extent. Public morals may suffer more by official disregard of law than by personal pecuniary loss. *Salus populi suprema lex.*

4. The conclusion reached is supported by many principles and authorities besides those stated. A void contract is "ineffectual to fix any liability upon the Government." * * * "No recovery can be had for value parted with upon an illegal contract." * * * "Clearly, if an act of Parliament expressly prohibit the transaction in respect whereof an agreement is en-

tered into, such agreement will be invalid." * * * The case of *McDonald vs. Mayor of New York* (68 N. Y. 23) is instructive, its reasoning convincing, and its logic conclusive. It was an action brought to recover the value of gravel and stone sold and delivered to the city in 1869 and 1870 at the request of the superintendent of roads, and used in making streets. The statute was not complied with which required contracts for materials to be made by the head of the street department, upon sealed bids, in compliance with public notice advertised pursuant to an authority to purchase given by the common council. It was the duty of the city to keep the streets in repair; and the superintendent was charged with carrying this duty into effect, and he certified the bills as correct. Folger, J., in denying the right of the claimant to recover, said of the statutes referred to in that case, that they "are fitted to insure official care and deliberation, and to hold the agents of the public to personal responsibility for expenditure; and they are a limit upon the powers of the corporation, insomuch as they prescribe an exact mode for the exercise of the power of expenditure." And, commenting on the claim of the plaintiff to recover upon a *quantum meruit*, because the city, having "appropriated the materials * * * is bound to deal justly and pay him the value," he said: "If the restriction put upon municipalities by the legislature for the purpose of reducing and limiting the incurring of debt, and the expenditure of the public money, may be removed upon the doctrine now contended for, there is no legislative remedy for the evils of municipal government. * * * Restrictions and inhibition by statute are practically of no avail if they can be brought to naught by the unauthorized action of every official of lowest degree acquiesced in or not repudiated by his superiors." * * * An able writer says: "If the act done is contrary to the express policy of the state * * * contracts in violation of that policy are simply void, and neither party to the contract will be heard in a court where they seek to be reimbursed for moneys expended in violation of the laws. * * * In such a case the court simply withholds its hand and leaves the parties to the illegal contract where they have placed themselves by their own volition." * * *

5. The claimant cannot recover because he is a party to a contract made in violation of law.

It is true that there are cases in which the United States was held liable upon implied contracts, or upon ratified informal or irregular contracts, and also upon parol contracts which should have been in writing. But these were cases in which the claimant did not violate the prohibition, or general public policy, of the statute. That an illegal or immoral consideration renders a contract void, and that courts will not aid in enforcing such contracts, is well settled. *Ex turpi causa non oritur actio.*—*Ex dolo malo non oritur actio.* But the rule, at least as to contracts made for the Government, goes further. If such a contract be made in violation of “restrictions and inhibitions” prescribed by statute “for the purpose of reducing and limiting the expenditure of the public money,” or of limiting the power of officers by requiring conditions which are plainly made the essence of the authority to exist before its exercise, contracts in violation of such statute are void. * * * *Ex maleficio non oritur contractus.*—*Ex pacto illicito non oritur actio.* * * * Thus, in *Harris vs. Runnels* * * * it is said that “when the statute is silent [as to penalty or invalidity] and contains nothing from which the contrary can be properly inferred, a contract in contravention of it is void. * * * The law will not aid either of two parties who are in *pari delicto*, in the violation of a statute. * * * The rule is not allowed for the benefit of either party to an illegal contract, but altogether upon grounds of public policy.” In *Grooves vs. Slaughter* (15 Peters, 471) it is said of contracts prohibited by statute, that “whenever the object of a prohibition is to protect the public and not one for purposes of revenue, or some regulation connected with the execution of municipal laws, there can be no recovery by a person who has committed an act at variance with the prohibition, whether the act be the particular thing forbidden or not. * * * No plaintiff will receive the aid of the court in prosecuting his claim where it is founded on a violation of the law, or an act contrary to public policy.”

When a contract is made, and only one party to it violates a statutory prohibition, it may be valid in favor of the party not in fault. But when both parties to a contract in making it violate

a statute enacted to prevent fraud in the public service and protect the public interests, the contract is void, and a court will not aid either to enforce it. Section 3780 of the Revised Statutes made it unlawful for the claimant to enter into the contract now in question, because he was not "the lowest and best bidder." He, as fully as the Public Printer, acted in violation of the statute. He is therefore, on principles of public policy and law, entitled to no relief from either the executive or judicial branches of the Government.

No fact is presented which raises any doubt of the good faith of the able officer who made the contract in question, or of the reputable contractors who are now the claimants. But on legal principles no payment can be made. Congress will, no doubt, give all proper relief in the matter.

The claim is disallowed.

TREASURY DEPARTMENT,

First Comptroller's Office, February 27, 1882.

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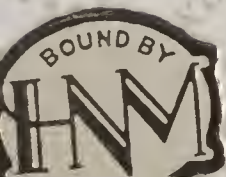
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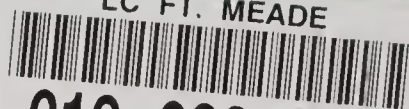
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